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TITLE 7—AGRICULTURE

Chapter I—Production and Marketing Administration (Standards, Inspections, Marketing Practices), Department of Agriculture

Subchapter C—Regulations and Standards Under the Farm Products Inspection Act

PART 68—REGULATIONS FOR INSPECTION AND CERTIFICATION OF CERTAIN AGRICULTURAL COMMODITIES AND PRODUCTS THEREOF

SUBPART H—UNITED STATES STANDARDS FOR LENTILS

TERMS DEFINED; DOCKAGE

Pursuant to the authority conferred by the Agricultural Marketing Act of 1946 (60 Stat. 1087, 7 U. S. C. 1621 et seq.) and the items for Market Inspection of Farm Products and Marketing Farm Products recurring in the annual appropriation acts for the Department of Agriculture, section 68.601 (j) of the revised United States Standards for Lentils (7 CFR 68.601 (j)) published in the FEDERAL REGISTER on June 20, 1953 (18 F. R. 3557) to become effective on August 1, 1953, is hereby amended to read as follows:

§ 68.601 Terms defined. * * *

(j) *Dockage*. Dockage shall apply only to thrasher-run lentils and shall be small undeveloped lentils and pieces of lentils and all matter other than lentils which can be removed readily by the use of appropriate sieves and cleaning devices which result in the smallest loss of marketable lentils.

The above amendment substitutes the words "pieces of lentils" for the word "splints" appearing in such section as published in the FEDERAL REGISTER on June 20, 1953, and adds the words "and all matter other than lentils" The amended definition is in accordance with the established concept of the term "dockage" in the industry. The changes are made for the purpose of clarification and are not substantial. The amendment should become effective at the same time as the revised United States Standards for Lentils. Accordingly, it is found upon good cause that further notice and public procedure on the amendment are unnecessary and that good cause exists for making the amendment

effective in less than 30 days after publication thereof in the FEDERAL REGISTER.

The foregoing amendment shall become effective on August 1, 1953, and shall supersede the same section of the complete United States Standards for Lentils that were previously published to become effective the same day.

(Sec. 205, 60 Stat. 1090, 66 Stat. 348; 7 U. S. C. 1624, 414)

Done at Washington, D. C., this 8th day of July 1953.

[SEAL] ROY W. LENHARTSON,
Assistant Administrator.

[F. R. Doc. 53-6149; Filed, July 10, 1953; 8:53 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

[Plum Order 16]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ALBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.462 Plum Order 16—(a) Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Alberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication

(Continued on p. 4057)

CONTENTS

Agriculture Department	Page
See Production and Marketing Administration; Rural Electrification Administration.	
Army Department	
Rules and regulations:	
Pay allotments; allotments to dependents of personnel missing, missing in action, beleaguered, besieged, interned in foreign country, or captured by hostile force.	4063
Census Bureau	
Rules and regulations:	
Foreign trade statistics; confidential information.	4061
Commerce Department	
See Census Bureau.	
Defense Department	
See Army Department.	
Economic Stabilization Agency	
See Rent Stabilization Office.	
Federal Communications Commission	
Notices:	
Hearings, etc.,	
Hunt, H. L., and Coastal Bend Television Co.	4035
Midwest Television, Inc.	4036
Montgomery Broadcasting Co., Inc., and Alabama Television Co.	4034
Orange Belt Telecasters.	4035
Southern Bell Telephone and Telegraph Co. and Mobile Marine Radio.	4033
Southern Broadcasting Co., Inc., and Southern Enterprises.	4034
Syracuse Broadcasting Corp. (WNDR).	4033
Texas Star Broadcasting Co. and KTRH Broadcasting Co. (KTRH).	4033
Mexican Broadcast Stations; list of changes, proposed changes and corrections in assignments.	4033
Proposed rule making:	
Practice and procedure; filing and action on applications for broadcast facilities.	4076
Radio broadcast services; antenna systems; showing required.	4077



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Order from
Superintendent of Documents, Government
Printing Office, Washington 25, D. C.

CONTENTS—Continued

Federal Communications Commission—Continued	Page
Rules and regulations:	
Extension of lines and discontinuance of service by carriers; publication and posting of notices.....	4064
Practice and procedure; forfeitures against ships and ship masters.....	4064
Federal Power Commission	
Notices:	
Hearings, etc..	
Colorado Interstate Gas Co.—Department of the Interior and Southwestern Power Administration.....	4089
Summers, Eric C., et al.....	4090
United Fuel Gas Co. et al.....	4089
Federal Trade Commission	
Rules and regulations:	
Radiator Specialty Co. et al., cease and desist order.....	4062
Fish and Wildlife Service,	
Notices:	
Wheeler Migratory Waterfowl Refuge, Alabama, land proposed for exclusion; agreement between Tennessee Valley Authority and Fish and Wildlife Service, Department of the Interior.....	4079
Interior Department	
See Fish and Wildlife Service; Reclamation Bureau.	
Internal Revenue Bureau	
Rules and regulations:	
Income tax; taxable years beginning after December 31, 1941, inclusion of certain items in cost of acquisition or production, rather than business expense.....	4063
Interstate Commerce Commission	
Notices:	
Applications for relief:	
Fertilizer compounds from Tulsa, Okla., to Florida.....	4090
Motor-rail-motor rates between Chicago, Ill., and Council Bluffs, Iowa.....	4090
Labor Department	
See Wage and Hour Division.	
Production and Marketing Administration	
Proposed rule making:	
Milk handling in certain marketing areas:	
Black Hills, South Dakota....	4066
Cleveland, Ohio.....	4072
Detroit, Michigan.....	4071
Sioux City Stock Yards Co., petition for modification of rate order.....	4066
Rules and regulations:	
Lemons grown in California and Arizona; limitation of shipments.....	4060
Lentils, U. S. standards; regulations for inspection and certification of certain agricultural commodities and products thereof; terms defined; dockage.....	4055

CONTENTS—Continued

Production and Marketing Administration—Continued	Page
Rules and regulations—Con.	
Pears, fresh Bartlett, plums, and Elberta peaches grown in California, regulation by grades and sizes (6 documents).....	4055, 4057–4060
Reclamation Bureau	
Notices:	
Tucumcari Irrigation Project, New Mexico; announcement of annual water rental charges.....	4078
Rent Stabilization Office	
Rules and regulations:	
Certain defense-rental areas in New Jersey; housing and rooms in rooming houses and other establishments.....	4068
Rural Electrification Administration	
Notices:	
Allocations of funds for loans (8 documents).....	4079, 4081, 4082
Loan announcements:	
Arkansas (2 documents).....	4080, 4081
Iowa.....	4079
Kentucky (2 documents).....	4080
Michigan.....	4079
Minnesota (2 documents).....	4079, 4081
Montana.....	4082
Nebraska (2 documents).....	4079
New Mexico.....	4081
North Carolina (2 documents).....	4081, 4082
North Dakota.....	4081
Ohio.....	4080
Oklahoma.....	4080
Pennsylvania (2 documents).....	4080
South Carolina.....	4079
South Dakota (2 documents).....	4080, 4082
Tennessee (2 documents).....	4080, 4081
Texas (2 documents).....	4080
Washington.....	4079
Wisconsin.....	4081
Securities and Exchange Commission	
Notices:	
Portsmouth Steel Corp., filing of application for exemption of purchase of securities from affiliates.....	4088
Tennessee Valley Authority	
Notices:	
Wheeler Migratory Waterfowl Refuge, Alabama; land proposed for exclusion; agreement between Tennessee Valley Authority and Fish and Wildlife Service, Department of the Interior.....	4088
Treasury Department	
See also Internal Revenue Bureau.	
Notices:	
2½ percent Treasury certificates of indebtedness of Series C-1954; offering of certificates.....	4078
Rules and regulations:	
Issue and sale of Treasury bills; tenders; public notice.....	4063

CONTENTS—Continued

Wage and Hour Division	Page
Notices:	
Learner employment certificates; issuance to various industries	4082
Proposed rule making:	
Flax straw, baling and storage; application for exemption as industry of a seasonal nature	4074
Leather goods and related products in Puerto Rico; minimum wage rates	4075
CODIFICATION GUIDE	
A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.	
Title 7	Page
Chapter I:	
Part 68	4055
Chapter IX:	
Proposed rules	4066
Part 924 (proposed)	4071
Part 936 (6 documents)	4055, 4057-4060
Part 953	4060
Part 975 (proposed)	4072
Title 15	
Chapter I:	
Part 30	4061
Title 16	
Chapter I:	
Part 3	4062
Title 26	
Chapter I:	
Part 29	4063
Title 29	
Chapter V:	
Part 526 (proposed)	4074
Part 704 (proposed)	4075
Title 31	
Chapter II:	
Part 309	4063
Title 32	
Chapter V:	
Part 538	4063
Chapter VII:	
Part 838 (see Part 538)	4063
Title 32A	
Chapter XXI (ORS)	
RR 1	4065
RR 2	4065
Title 47	
Chapter I:	
Part 1	4064
Proposed rules	4076
Part 3 (proposed)	4077
Part 63	4064

thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective

not later than July 12, 1953. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 30, 1953, recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 30, 1953, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 15, 1953; and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time of this section.

(b) *Order.* (1) During the period beginning at 12:01 a. m., P. s. t., July 12, 1953, and ending at 12:01 a. m., P. s. t., August 1, 1953, no shipper shall ship any package or container of President plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 4 x 5 standard pack.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 5 x 5 standard pack if said quantity does not exceed eleven and eleven one-hundredths (11.11) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 4 x 5 standard pack, as aforesaid.

(3) If any shipper, during any two (2) consecutive days of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped by such shipper only from such shipping point during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, that such shipper could have shipped from such shipping point on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(4) Section 936.143 of the rules and regulations, as amended (7 CFR 936.100 et seq., 18 F. R. 712, 2839), sets forth the requirements with respect to the inspection and certification of shipments of

plums. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(5) As used in this section, "U. S. No. 1" and "serious damage" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh), § 51.360 of this title; "standard pack" shall have the applicable meanings of the terms "standard pack" and "equivalent size" as when used in § 936.142 of the aforesaid amended rules and regulations; and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Supp. 682.)

Done at Washington, D. C., this 8th day of July 1953.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Branch, Production and Marketing Administration.

[F. R. Doc. 53-6150; Filed, July 10, 1953; 8:53 a. m.]

[Plum Order 17]

PART 936—FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

REGULATION BY GRADES AND SIZES

§ 936.463 Plum Order 17—(a) *Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than July 12,

[Plum Order 18]

PART 936—FRESH BARTLETT PEARS, PLUMS,
AND ELBERTA PEACHES GROWN IN CALI-
FORNIA

REGULATION BY GRADES AND SIZES

§ 936.143 *Plum Order 18—(a) Findings.* Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936) regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than July 12, 1953. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 30, 1953; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 30, 1953, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 14, 1953; and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time of this section.

(b) *Order* (1) During the period beginning at 12:01 a. m., P. s. t., July 12, 1953, and ending at 12:01 a. m., P. s. t., November 1, 1953, no shipper shall ship from any shipping point during any day any package or container of Sharkey plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10)

1953. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 30, 1953; recommendation as to the need for, and the extent of, regulation of shipments of such plum was made at the meeting of said committee on June 30, 1953. After consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 20, 1953; and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time of this section.

(b) *Order* (1) During the period beginning at 12:01 a. m., P. s. t., July 12, 1953, and ending at 12:01 a. m., P. s. t., November 1, 1953, no shipper shall ship any package or container of Late Santa Rosa plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of fifteen (15) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) Such plums are of a size not smaller than a size that will pack a 4 x 5 standard pack.

(2) Section 936.143 of the rules and regulations, as amended (7 CFR 936.100 et seq., 18 F. R. 712, 2839) sets forth the requirements with respect to the inspection and certification of shipments of plums. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(3) As used in this section, "U. S. No. 1" and "serious damage" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) § 51.360 of this title; "standard pack" shall have the applicable meanings of the terms "standard pack" and "equivalent size" as when used in § 936.142 of the aforesaid amended rules and regulations; and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 8th day of July 1953.

[SEAL]

S. R. SMITH,
Director Fruit and Vegetable
Branch, Production and Mar-
keting Administration.

[F. R. Doc. 53-6151; Filed, July 10, 1953;
8:53 a. m.]

percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 4 x 4 standard pack.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 4 x 5 standard pack if said quantity does not exceed thirty-three and one-third (33 1/3) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 4 x 4 standard pack, as aforesaid.

(3) If any shipper, during any two (2) consecutive days of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped by such shipper only from such shipping point during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, that such shipper could have shipped from such shipping point on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(4) Section 936.143 of the rules and regulations, as amended (7 CFR 936.100 et seq., 18 F. R. 712, 2839), sets forth the requirements with respect to the inspection and certification of shipments of plums. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(5) As used in this section, "U. S. No. 1" and "serious damage" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) § 51.360 of this title; "standard pack" shall have the applicable meanings of the terms "standard pack" and "equivalent size" as when used in § 936.142 of the aforesaid amended rules and regulations; and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 8th day of July 1953.

[SEAL]

S. R. SMITH,
Director Fruit and Vegetable
Branch, Production and Mar-
keting Administration.

[F. R. Doc. 53-6152; Filed, July 10, 1953;
8:53 a. m.]

[Plum Order 19]

PART 936—FRESH BARTLETT PEARS, PLUMS,
AND ELBERTA PEACHES GROWN IN CALI-
FORNIA

REGULATION BY GRADES AND SIZES

§ 936.465 *Plum Order 19*—(a) *Findings*. (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936) regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than July 12, 1953. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 30, 1953; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 30, 1953, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 15, 1953; and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time of this section.

(b) *Order*. (1) During the period beginning at 12:01 a. m., P. s. t., July 12, 1953, and ending at 12:01 a. m., P. s. t., November 1, 1953, no shipper shall ship any package or container of Kelsey plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered seri-

ous damage in addition to the tolerances permitted for such grade; and

(ii) Such plums are of a size not smaller than a size that will pack a 4 x 4 standard pack.

(2) Section 936.143 of the rules and regulations, as amended (7 CFR 936.100 et seq., 18 F. R. 712, 2339) sets forth the requirements with respect to the inspection and certification of shipments of plums. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(3) As used in this section, "U. S. No. 1" and "serious damage" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) § 51.360 of this title; "standard pack" shall have the applicable meanings of the terms "standard pack" and "equivalent size" as when used in § 936.142 of the aforesaid amended rules and regulations; and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 8th day of July 1953.

[SEAL]

S. R. SMITH,
Director, Fruit and Vegetable
Branch, Production and Mar-
keting Administration.

[F. R. Doc. 53-6153; Filed, July 10, 1953;
8:53 a. m.]

[Plum Order 20]

PART 936—FRESH BARTLETT PEARS, PLUMS,
AND ELBERTA PEACHES GROWN IN CALI-
FORNIA

REGULATION BY GRADES AND SIZES

§ 936.466 *Plum Order 20*—(a) *Findings*. (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936), regulating the handling of fresh Bartlett pears, plums, and Elberta peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the

time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than July 12, 1953. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 30, 1953; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 30, 1953, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 12, 1953; and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time of this section.

(b) *Order*. (1) During the period beginning at 12:01 a. m., P. s. t., July 12, 1953, and ending at 12:01 a. m., P. s. t., November 1, 1953, no shipper shall ship from any shipping point during any day any package or container of Ace plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of fifteen (15) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 4 x 4 standard pack.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 4 x 5 standard pack. If said quantity does not exceed fourteen and twenty-nine hundredths (14.29) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 4 x 4 standard pack, as aforesaid.

(3) If any shipper, during any two (2) consecutive days of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 4 x 4 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped by such shipper only from such shipping point during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will

pack a 4 x 4 standard pack, as aforesaid, that such shipper could have shipped from such shipping point on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(4) Section 936.143 of the rules and regulations, as amended (7 CFR 936.100 et seq., 18 F. R. 712, 2839), sets forth the requirements with respect to the inspection and certification of shipments of plums. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(5) As used in this section "U. S. No. 1" and "serious damage" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) § 51.360 of this title; "standard pack" shall have the applicable meanings of the terms "standard pack" and "equivalent size" as when used in § 936.142 of the aforesaid amended rules and regulations; and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 8th day of July 1953.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable
Branch, Production and Mar-
keting Administration.

[F. R. Doc. 53-6154; Filed, July 10, 1953;
8:54 a. m.]

[Plum Order 21]

PART 936—FRESH BARTLETT PEARS, PLUMS,
AND ELBERTA PEACHES GROWN IN CALI-
FORNIA

REGULATION BY GRADES AND SIZES

§ 936.467 *Plum Order 21—(a) Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 36, as amended (7 CFR Part 936) regulating the handling of fresh Bartlett pears, plums, and Elberta Peaches grown in the State of California, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended, and upon the basis of the recommendations of the Plum Commodity Committee, established under the aforesaid amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of shipments of plums of the variety hereinafter set forth, and in the manner herein provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication

thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) in that, as hereinafter set forth, the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient; a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective not later than July 12, 1953. A reasonable determination as to the supply of, and the demand for, such plums must await the development of the crop thereof, and adequate information thereon was not available to the Plum Commodity Committee until June 30, 1953; recommendation as to the need for, and the extent of, regulation of shipments of such plums was made at the meeting of said committee on June 30, 1953, after consideration of all available information relative to the supply and demand conditions for such plums, at which time the recommendation and supporting information was submitted to the Department; shipments of the current crop of such plums are expected to begin on or about July 18, 1953; and this section should be applicable to all such shipments of such plums in order to effectuate the declared policy of the act; and compliance with the provisions of this section will not require of handlers any preparation therefor which cannot be completed by the effective time of this section.

(b) *Order* (1) During the period beginning at 12:01 a. m., P. s. t., July 12, 1953, and ending at 12:01 a. m., P. s. t., November 1, 1953, no shipper shall ship from any shipping point during any day any package or container of Emily plums unless:

(i) Such plums grade at least U. S. No. 1 with a total tolerance of ten (10) percent for defects not considered serious damage in addition to the tolerances permitted for such grade; and

(ii) The plums are, except to the extent otherwise specified in this paragraph, of a size not smaller than a size that will pack a 4 x 5 standard pack.

(2) During each day of the aforesaid period, however, any shipper may ship from any shipping point a quantity of such plums, by number of packages or containers, which are of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, but are not of a size smaller than a size that will pack a 5 x 5 standard pack if said quantity does not exceed eleven and eleven one-hundredths (11.11) percent of the number of the same type of packages or containers of plums which are of a size not smaller than a size that will pack a 4 x 5 standard pack, as aforesaid.

(3) If any shipper, during any two (2) consecutive days of the aforesaid period, ships from any shipping point less than the maximum allowable quantity of such plums that may be of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, the aggregate amount of the undershipment of such plums may be shipped by such shipper only from

such shipping point during the next succeeding calendar day in addition to the quantity of such plums of a size smaller than a size that will pack a 4 x 5 standard pack, as aforesaid, that such shipper could have shipped from such shipping point on such succeeding calendar day if there had been no undershipment during the two (2) preceding days.

(4) Section 936.143 of the rules and regulations, as amended (7 CFR 936.100 et seq., 18 F. R. 712, 2839), sets forth the requirements with respect to the inspection and certification of shipments of plums. Such section also prescribes the conditions which must be met if any shipment is to be made without prior inspection and certification. Notwithstanding that shipments may be made without inspection and certification, each shipper shall comply with all grade and size regulations applicable to the respective shipment.

(5) As used in this section, "U. S. No. 1" and "serious damage" shall have the same meaning as set forth in the revised United States Standards for plums and prunes (fresh) § 51.360 of this title; "standard pack" shall have the applicable meanings of the terms "standard pack" and "equivalent size" as when used in § 936.142 of the aforesaid amended rules and regulations; and all other terms shall have the same meaning as when used in the amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 8th day of July 1953.

[SEAL] S. R. SMITH,
Director Fruit and Vegetable
Branch, Production and Mar-
keting Administration.

[F. R. Doc. 53-6155; Filed, July 10, 1953;
8:54 a. m.]

[Lemon Reg. 493]

PART 953—LEMONS GROWN IN CALIFORNIA
AND ARIZONA

LIMITATION OF SHIPMENTS

§ 953.600 *Lemon Regulation 493—(a) Findings.* (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in the State of California or in the State of Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of the quantity of such lemons which may be handled, as provided in this section, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the pub-

lie interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this section until 30 days after publication thereof in the FEDERAL REGISTER (60 Stat. 237; 5 U. S. C. 1001 et seq.) because the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, and a reasonable time is permitted, under the circumstances, for preparation for such effective time; and good cause exists for making the provisions of this section effective as hereinafter set forth. Shipments of lemons, grown in the State of California or in the State of Arizona, are currently subject to regulation pursuant to said amended marketing agreement and order; the recommendation and supporting information for regulation during the period specified in this section was promptly submitted to the Department after an open meeting of the Lemon Administrative Committee on July 8, 1953, such meeting was held, after giving due notice thereof to consider recommendations for regulation, and interested persons were afforded an opportunity to submit their views at this meeting; the provisions of this section, including its effective time, are identical with the aforesaid recommendation of the committee, and information concerning such provisions and effective time has been disseminated among handlers of such lemons; it is necessary, in order to effectuate the declared policy of the act, to make this section effective during the period hereinafter specified; and compliance with this section will not require any special preparation on the part of persons subject thereto which cannot be completed by the effective time of this section.

(b) Order. (1) The quantity of lemons grown in the State of California or in the State of Arizona which may be handled during the period beginning at 12:01 a. m., P. s. t., July 12, 1953, and ending at 12:01 a. m., P. s. t., July 19, 1953, is hereby fixed as follows:

- (i) District 1: Unlimited movement;
- (ii) District 2: 500 carloads;
- (iii) District 3: Unlimited movement.

(2) The prorate base of each handler who has made application therefor, as provided in the said amended marketing agreement and order, is hereby fixed in accordance with the prorate base schedule which is attached hereto and made a part hereof by this reference.

(3) As used in this section, "handled," "handler," "carloads," "prorate base," "District 1," "District 2" and "District 3," shall have the same meaning as when used in the said amended marketing agreement and order.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 9th day of July 1953.

[SEAL]

S. R. SMITH,
Director Fruit and Vegetable
Branch, Production and Marketing Administration.

PRORATE BASE SCHEDULE

DISTRICT NO. 2

[Storage date: July 5, 1953]

[12:01 a. m. July 12, 1953, to 12:01 a. m. July 20, 1953]

Handler	Prorate base (percent)
Total	100.000
American Fruit Growers, Inc., Corona	.673
American Fruit Growers, Inc., Fullerton	.721
American Fruit Growers, Inc., Upland	.418
Consolidated Lemon Co.	1.502
Ventura Coastal Lemon Co.	1.233
Ventura Pacific Co.	1.824
Chula Vista Mutual Lemon Association	.583
Index Mutual Association	.473
La Verne Cooperative Citrus Association	3.192
Ventura County Orange & Lemon Association	2.350
Glendora Lemon Growers Association	2.037
La Verne Lemon Association	.924
La Habra Citrus Association	1.514
Yorba Linda Citrus Association	1.100
Escondido Lemon Association	2.834
Cucamonga Mesa Growers	1.633
Etiwanda Citrus Fruit Association	.389
San Dimas Lemon Association	1.731
Upland Lemon Growers Association	8.041
Central Lemon Association	1.203
Irvine Citrus Association	1.024
Placentia Mutual Orange Association	.752
Corona Citrus Association	.418
Corona Foothill Lemon Co.	3.806
Jameson Co.	1.201
Arlington Heights Citrus Co.	1.037
College Heights Orange & Lemon Association	4.515
Chula Vista Citrus Association, The	.812
Escondido Cooperation Citrus Association	.220
Fallbrook Citrus Association	1.739
Lemon Grove Citrus Association	.412
Carointeria Lemon Association	1.441
Carointeria Mutual Citrus Association	1.690
Goleta Lemon Co.	3.491
Johnston Fruit Co.	4.054
No. Whittier Heights Citrus Association	.870
San Fernando Heights Lemon Association	.761
Sierra-Madre Lamanda Citrus Association	.676
Briggs Lemon Association	2.620
Culbertson Lemon Association	.964
Fillmore Lemon Association	1.478
Oxnard Citrus Association	4.336
Rancho Sespe	1.544
Santa Clara Lemon Association	3.391
Santa Paula Citrus Fruit Association	4.331
Saticoy Lemon Association	2.931
Seaboard Lemon Association	3.050
Somis Lemon Association	3.413
Ventura Citrus Association	1.193
Ventura County Citrus Association	.353
Limonella Co.	2.492
Teague-McKevett Association	.914
East Whittier Citrus Association	.703
Murphy Ranch Co.	1.923
Far West Produce Distributors	.054
Huarte, Joseph D.	.091
Paramount Citrus Association, Inc.	.640
Santa Rosa Lemon Co.	.170

[F. R. Doc. 53-6219; Filed, July 10, 1953; 8:59 a. m.]

TITLE 15—COMMERCE AND FOREIGN TRADE

Chapter I—Bureau of the Census, Department of Commerce

[Foreign Commerce Statistical Decision 75]

PART 30—FOREIGN TRADE STATISTICS

CONFIDENTIAL INFORMATION

Limitations on access to copies of the Shipper's Export Declaration (Commerce Form 7525-V, 7525-V Alternate, or 7513)

On February 27, 1953, notice of proposed rule making was published in the FEDERAL REGISTER (18 F. R. 1139) in connection with the amendment of the Foreign Commerce Statistical Regulations to restrict access to copies of Shipper's Export Declarations and to provide that copies of Shipper's Export Declarations shall not be authenticated by Collectors of Customs for any purpose except those for which copies are officially required. The purpose of the proposed amendment is to prevent access to or use of authenticated copies of Shipper's Export Declarations for unauthorized purposes, thus protecting the confidential nature of the information furnished on the form by exporters. After consideration of all of the relevant facts, views, and arguments presented by interested persons in connection with the proposed rule making, the amendments to the Foreign Commerce Statistical Regulations set forth below are hereby adopted.

1. Paragraph (b) of § 30.5 is amended, effective ninety days after the date of this Foreign Commerce Statistical Decision, to read as follows:

(b) The contents of all copies of the export declaration must be treated as confidential and may not be disclosed to others than the exporter or his agent by employees of the Customs Service, the Department of Commerce, or other United States Government agencies, without the written consent of the Secretary of Commerce.

2. Paragraph (c) to be effective ninety days after the date of this Foreign Commerce Statistical Decision, is added to § 30.5, as amended by Foreign Commerce Statistical Decision 20 (January 8, 1942), to read as follows:

(c) A copy of a Shipper's Export Declaration authenticated by a Collector of Customs by certification, validation by numbering stamp, or any other method, may be supplied to exporters or their agents only where such a copy (1) is needed to enable the exporter to comply with the export control requirements of the Office of International Trade, (2) is required, with the approval of the Secretary of Commerce, to be supplied by the exporter or his agent to an agency of the Federal Government, or (3) is needed for presentation to the exporting transportation company as authorization for export. An authenticated copy of a Shipper's Export Declaration supplied to an exporter or his agent under any of these conditions may not be used

for any other purposes nor may it be photostated or reproduced in any other form by the exporter or his agent, the Federal Government agency, or by a transportation company or its agents.

(R. S. 161; 5 U. S. C. 22. Interprets or applies R. S. 335, as amended, 336, as amended, 337, as amended, 4200, as amended, sec. 1, 18 Stat. 352, as amended, sec. 1, 27 Stat. 197, as amended, 32 Stat. 172, as amended, sec. 7, 44 Stat. 572, as amended, sec. 1, 52 Stat. 8; 15 U. S. C. 173, 174, 176, 176 (a), 177, 178, 46 U. S. C. 92, 95, 49 U. S. C. 177)

[SEAL] ROBERT W. BURGESS,
Director
Bureau of the Census.

Approved: July 8, 1953.

SINCLAIR WEEKS,
Secretary of Commerce.

[F. R. Doc. 53-6132; Filed, July 10, 1953;
8:50 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission [Docket 5790]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

RADIATOR SPECIALTY CO. ET AL.

Subpart—*Advertising falsely or misleadingly*: § 3.20 *Comparative data or merits*; § 3.30 *Composition of goods*; § 3.170 *Qualities or properties of product or service*; § 3.205 *Scientific or other relevant facts*. Subpart—*Misbranding or mislabeling*: § 3.1175 *Comparative data or merits*; § 3.1185 *Composition*; § 3.1290 *Qualities or properties*; and § 3.1320 *Scientific or other relevant facts*. In connection with the offering for sale, sale and distribution of respondents' product designated "Nu-Power" or "Nu-Power Upper Cylinder Lubricant" or any product of substantially similar composition, whether sold under the same or any other name in commerce, representing (1) that the use of respondents' product "Nu-Power" or "Nu-Power Upper Cylinder Lubricant" used as directed or otherwise, will increase the mileage obtained from gasoline or oil; (2) that the use thereof will increase the power or improve the engine performance to any significant degree, or result in faster pick-up, or cause smoother idling; (3) that the use thereof will keep spark plugs cleaner or will free sticky valves caused by the residuum or by-products of combustion; (4) that the use thereof will reduce gas knocks and pings; (5) that said product supplies the necessary lubrication for valves, valve stems, upper cylinders and piston rings, or that the lubrication requirements of all or any of the parts named are not adequately supplied by the ordinary, conventional lubricating systems in general use; (6) that the use of said product keeps valves and rings free of gum, carbon or other deposits; (7) that the use of said product will lengthen the life of spark plugs or valves; (8) that the use of said product will reduce friction and prevent wear; (9) that the use of said product "protects metal surfaces"; (10) that its use will cause quicker starting of automotive

engines or increase the compression thereof; (11) that said product is composed of heat-resisting oils different from, or more effective than, ordinary lubricating oil, and (12) that the use of said product will prevent wear or scuffing of cylinder walls; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, Radiator Specialty Company et al., Charlotte, N. C., Docket 5790, December 4, 1952]

In the Matter of Radiator Specialty Company, a Corporation, and I. D. Blumenthal, Herman Blumenthal, and Edward F. Morgan, Individually and as Officers of Radiator Specialty Company, a Corporation

This proceeding was heard by James A. Purcell, hearing examiner, upon the complaint of the Commission, respondents' answer, and hearings at which testimony and other evidence in support of and in opposition to the allegations of said complaint, duly recorded and filed in the office of the Commission, were introduced before said examiner, theretofore duly designated by the Commission.

Thereafter the proceeding regularly came on for final consideration by said examiner on the complaint, the answer thereto, testimony and other evidence, and proposed findings as to the facts and conclusions presented by counsel in support of the complaint and counsel for the respondents, oral argument thereon not having been requested, and said examiner, having duly considered the record in the matter and having found that the proceeding was in the interest of the public, made his initial decision, comprising certain findings as to the facts,¹ conclusion² drawn therefrom, and order, including order to cease and desist, and order of dismissal as to certain charges and as to a certain respondent.

Thereafter, no appeal having been filed within the time provided by the Commission's rules of practice as extended by the Commission's order, following the seasonable filing by counsel for respondents of their intention to appeal from said initial decision, so that no matters had been presented for determination by the Commission on appeal, said initial decision of said hearing examiner, pursuant to Rules XXII and XXIII of the Commission's rules of practice, became the decision of the Commission on December 4, 1952.

The said order to cease and desist is as follows:

It is ordered, That the respondent Radiator Specialty Company, a corporation, and its officers I. D. Blumenthal and Herman Blumenthal, individually and as officers of said corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the offering for sale, sale and distribution of their product designated "Nu-Power" or "Nu-Power Upper Cylinder Lubricant," or any product of substantially similar composition, whether sold under the same or any other name in commerce, as "commerce" is defined

in the Federal Trade Commission Act, do forthwith cease and desist from directly or indirectly representing:

1. That the use of their product "Nu-Power" or "Nu-Power Upper Cylinder Lubricant," used as directed or otherwise, will increase the mileage obtained from gasoline or oil;

2. That the use thereof will increase the power or improve the engine performance to any significant degree, or result in faster pick-up, or cause smoother idling;

3. That the use thereof will keep spark plugs cleaner or will free sticky valves caused by the residuum or by-products of combustion;

4. That the use thereof will reduce gas knocks and pings;

5. That said product supplies the necessary lubrication for valves, valve stems, upper cylinders and piston rings, or that the lubrication requirements of all or any of the parts named are not adequately supplied by the ordinary, conventional lubricating systems in general use;

6. That the use of said product keeps valves and rings free of gum, carbon or other deposits;

7. That the use of said product will lengthen the life of spark plugs or valves;

8. That the use of said product will reduce friction and prevent wear;

9. That the use of said product "protects metal surfaces";

10. That its use will cause quicker starting of automotive engines or increase the compression thereof;

11. That said product is composed of heat resisting oils different from, or more effective than, ordinary lubricating oil;

12. That the use of said product will prevent wear or scuffing of cylinder walls.

It is further ordered, That the charges of the complaint relating to respondents' product designated "Nu-Power Tune-up Solvent," because of the absence of reliable, probative and substantial evidence to sustain such charges, be, and they hereby are, dismissed without prejudice to the right of the Commission to institute further proceedings, should future facts warrant.

It is further ordered, That the charges of the complaint, insofar as they affect the named respondent, Edward F. Morgan, be, and they hereby are, dismissed.

By "Decision of the Commission and order to file report of compliance", Docket 5790, June 9, 1953, which announced fruition of said initial decision, report of compliance was required as follows:

It is ordered, That the respondent, Radiator Specialty Company, a corporation, and the respondents, I. D. Blumenthal and Herman Blumenthal shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order contained in said decision.

Issued: June 9, 1953.

By the Commission.

[SEAL] D. C. DANIEL,
Secretary.

[F. R. Doc. 53-6125; Filed, July 10, 1953;
8:48 a. m.]

¹ Filed as part of original document.

TITLE 26—INTERNAL REVENUE**Chapter I—Bureau of Internal Revenue, Department of the Treasury**

Subchapter A—Income and Excess Profits Taxes
[T. D. 6028, Regs. 111]

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941**INCLUSION OF CERTAIN ITEMS IN COST OF ACQUISITION OR PRODUCTION, RATHER THAN BUSINESS EXPENSE**

On December 20, 1952, a notice of proposed rule making was published in the FEDERAL REGISTER (17 F. R. 11656) to conform certain provisions of Regulations 111 (26 CFR Part 29) to acceptable accounting practices. After careful consideration of all relevant matter presented by persons interested in the rules proposed, the amendments to Regulations 111 set forth below are hereby adopted.

PARAGRAPH 1. Section 29.22 (a)-5 is amended by striking out the second sentence and inserting in lieu thereof the following: "In determining gross income, subtractions should not be made for depletion allowances based on discovery value or percentage of income, selling expenses, or losses, or for other items not ordinarily used in computing cost of goods sold."

PAR. 2. Section 29.23 (a)-1, as amended by Treasury Decision 6006, approved April 10, 1953, is amended further as follows:

(A) By striking from the first sentence the words "except the classes of items which are deductible under sections 23 (b) to 23 (z) inclusive, and the regulations thereunder" and inserting in lieu thereof the following: "except items which are used as the basis for a deduction or a credit under provisions of law other than subsection (a) of section 23."

(B) By inserting after the seventh sentence, which names certain items included in business expenses, the following sentence: "No such item shall be included in business expenses, however, to the extent that it is used by the taxpayer in computing the cost of property included in its inventory or used in determining the gain or loss basis of its plant, equipment, or other property."

PAR. 3. Section 29.23 (a)-4 is amended by striking out the first sentence and inserting in lieu thereof the following: "The cost of incidental repairs which neither materially add to the value of the property nor appreciably prolong its life, but keep it in an ordinarily efficient operating condition, may be deducted as expense, provided the cost of acquisition or production or the gain or loss basis of the taxpayer's plant, equipment, or other property, as the case may be, is not increased by the amount of such expenditures."

PAR. 4. Section 29.23 (c)-2, as amended by Treasury Decision 5371, approved May 11, 1944, is further amended by striking out the second sentence and inserting in lieu thereof the following: "The fact that any such tax is not deductible as a tax under section 23 (c) for a taxable year beginning after December 31, 1943,

does not prevent (a) a deduction therefor under section 23 (a) provided it represents an ordinary and necessary expense paid or incurred during the taxable year by a corporation or an individual in carrying on any trade or business, or, in the case of an individual, for the production or collection of income, or for the management, conservation, or maintenance of property held for the production of income, or (b) the inclusion of such tax paid or incurred during the taxable year by a corporation or an individual as a part of the cost of acquisition or production in the trade or business, or, in the case of an individual, as a part of the cost of property held for the production of income with respect to which such tax is paid or incurred."

(53 Stat. 32, 467; 26 U. S. C. 62, 3731)

[SEAL] T. COLEMAN ANDREWS,
Commissioner of Internal Revenue.

Approved: July 6, 1953.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 53-6117; Filed, July 10, 1953;
8:46 a. m.]

TITLE 31—MONEY AND FINANCE: TREASURY**Chapter II—Fiscal Service, Department of the Treasury**

Subchapter B—Bureau of the Public Debt
[1953 Dept. Clrc. No. 418, Amdt. 8]

PART 309—ISSUE AND SALE OF TREASURY BILLS**TENDERS; PUBLIC NOTICE**

July 3, 1953.

Section 309.6 of Department Circular No. 418, as amended (31 CFR 309.6), dated February 28, 1941, is hereby revised to read as follows:

§ 309.6 *Tenders; public notice.* When Treasury bills are to be offered, tenders therefor will be invited through public notice given by the Secretary of the Treasury. Such public notices may be issued by the Secretary of the Treasury in the name of "the Treasury Department" with the same force and effect as if issued in the name of the Secretary of the Treasury. In such notice there will be set forth the amount of Treasury bills for which tenders are then invited, the date of issue, the date or dates when such bills will become due and payable, the date and closing hour for the receipt of tenders at the Federal Reserve Banks and Branches, and the date on which payment for accepted tenders must be made or completed.

(R. S. 161, sec. 5, 40 Stat. 230, as amended, sec. 8 (a)-(d), 50 Stat. 481, as amended; 5 U. S. C. 22, 31 U. S. C. 738a, 754)

Compliance with the notice, public procedure, and effective date requirements of the Administrative Procedure Act (Pub. Law 404, 79th Cong., 60 Stat. 237) is deemed unnecessary with respect to this amendment which merely relates

to the form of the public notice inviting tenders for Treasury bills.

[SEAL] G. M. HUTTENBURY,
Secretary of the Treasury.

[F. R. Doc. 53-6118; Filed, July 10, 1953;
8:46 a. m.]

TITLE 32—NATIONAL DEFENSE**Chapter V—Department of the Army**

Subchapter B—Claims and Accounts

PART 538—ALLOTMENTS OF PAY

ALLOTMENTS TO DEPENDENTS OF PERSONNEL MISSING, MISSING IN ACTION, BELEAGUERED, BESIEGED, INTERNED IN FOREIGN COUNTRY, OR CAPTURED BY HOSTILE FORCE

Sections 538.11 is rescinded and the following substituted therefor:

§ 538.11 *Allotments to dependents of personnel missing, missing in action, beleaguered, besieged, interned in foreign country, or captured by hostile force—(a) Notification to dependents.* Whenever any person is officially reported to be missing, missing in action, beleaguered, besieged, interned in a foreign country, or captured by a hostile force (but not when change occurs from one such status to another) the emergency addressee shall be promptly informed, by the office designated to do so of the beneficial provisions of the act of March 7, 1942 (56 Stat. 145; 50 U. S. C. App. 1005-1010) as amended, or regulations governing allotments from pay of such persons, or information required in or to accompany allotment applications, and of the name and address of the allotment office to which applications should be directed. The emergency addressee will be requested to notify interested relatives and dependents of the benefits and to advise insurers or other persons who may have knowledge of life insurance premiums that should be paid by allotment to communicate information thereof on both military and civilian personnel to the Chief, Settlements Division, Finance Center, U. S. Army, Indianapolis 49, Indiana.

(b) *Applications.* Applications for granting allotments or for increases in existing allotments will be submitted to the Chief, Settlements Division, Finance Center, U. S. Army, on the prescribed form which the dependent may obtain from personal affairs officers at military stations. Applications in any form may be accepted if they satisfactorily establish identity, relationship, and dependency of the applicant and need for the increase or allotment requested. The application must indicate allotments, if any, currently being paid to dependents on whose behalf the application is submitted. It also must include or be accompanied by evidence establishing need for the allotment or increase requested. The specific amount needed and the date the allotment or increase is desired to be effective must be stated.

(c) *Accounts.* The military pay records of persons absent in a missing status are maintained by the Settlements Division, Finance Center, U. S. Army, Indianapolis 49, Indiana. During the

period of absence, all allotments paid on account of the absent person and all prescribed deductions from pay for class Q allotment paid on his account are charged against such pay and allowances. Allotment payments so charged shall be recredited in any case in which it is determined by the Secretary of the Army, or by such subordinate as the Secretary may designate, that such payments were induced by fraud or misrepresentation to which the absent person was not a party.

(d) *Effective date of allotment.* Allotments ordinarily will be made effective for the month in which they are granted.

(e) *Termination of absence.* When absence of any person in a missing status is terminated by death or finding of death, all allotment payments will be discontinued and the account closed for settlement. When such status is terminated by a return to controllable jurisdiction of the Department of the Army, the person will be advised of allotments in effect which constitute charges to his account and will be afforded the opportunity to execute such changes therein as he desires. In the absence of discontinuance or changes by him, allotments continued or established during the period of his absence will continue in effect.

[SR 35-1900-13, June 29, 1953] (56 Stat. 145, 50 U. S. C. App. Sup. 1005-1010)

[SEAL] WM. E. BERGIN,
Major General, U. S. Army,
The Adjutant General.

[F. R. Doc. 53-6123; Filed, July 10, 1953;
8:47 a. m.]

TITLE 47—TELECOMMUNICATION

Chapter I—Federal Communications Commission

PART 1—PRACTICE AND PROCEDURE

FORFEITURES AGAINST SHIPS AND SHIP MASTERS

In the matter of amendment of Part 1 of the Commission's rules relating to practice and procedure.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 24th day of June 1953;

The Commission having under consideration the establishment of a uniform procedure governing the notification of the incurrence of forfeitures under section 362 of the act and the disposition of applications for remission or mitigation thereof made pursuant to section 504 (b) of the act;

It appearing, that under section 362 of the Communications Act of 1934, as amended, in the event of violation of provisions of Title III, Part II of the act or the Commission's rules made pursuant thereto, the ship and the master involved "shall [respectively] forfeit to the United States" certain specified sums, subject to remission or mitigation "upon application therefor, under such regulations and methods of ascertaining the facts as may seem * * * advisable" to the Commission;

It further appearing, that the amendment herein ordered is procedural in nature and, therefore, compliance with the public rule making procedure prescribed by the Administrative Procedure Act is not required and for the same reason the amendment may be made effective immediately.

It is ordered, Under authority contained in sections 4 (i) 303 (r) and 504 (b) of the Communications act of 1934, as amended, that effective immediately a new § 1.410, as set forth below, is added to Part 1 of the Commission's rules relating to practice and procedure.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended, sec. 504, 50 Stat. 197; 47 U. S. C. 303, 504)

Released: June 29, 1953.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

§ 1.410 *Forfeitures against ships and ship masters.* (a) Whenever information is received indicating that reasonable grounds exist to support a suit for collection of forfeitures provided by section 362 of the Communications Act of 1934, as amended, the owner of the ship and the master will be notified of apparent liability for forfeitures. The notification will specify dates, places and the nature of the alleged violations or irregularities, and will advise the parties of the Commission's authority under section 504 (b) of the act to remit or mitigate such forfeitures upon application therefor. Applications for mitigation or remission may be filed within thirty (30) days from the date of receipt of the notification letter, or within such extended time as may for good cause be granted. The application must be in duplicate but need not follow any special form. After a review of the case in the light of all the information available, including the information and arguments presented in the application, the applicant will be notified of the determination, which may be either remission of the entire amount, an offer of mitigation of the forfeiture to the extent which appears warranted under the circumstances, or denial of any relief.

(b) Acceptance of an offer of mitigation may be accomplished through payment, within thirty (30) days from the date of receipt of the notification, of the amount specified therein by check or similar means drawn to the order of the Treasurer of the United States and mailed to the Commission.

(c) In lieu of acceptance of an offer of mitigation, or in the event of denial of relief, application may be made within thirty (30) days from the date of receipt of the notification for review by the Commission as provided in section 5 (d) (2) of the act. The application should set forth the reasons for applicant's belief that the original action on his application should be modified. It may include a statement of any material facts that may have been omitted from the original application for relief. If the Commission grants the application for review, it may affirm, modify or set aside the previous action, or direct any further

proceedings that appear necessary and in the public interest.

(d) If the applicant fails to take any action in respect to a notification of apparent liability for forfeiture or an offer of mitigation or a notification of denial of relief, the case may be referred by the Commission to the Attorney General of the United States for appropriate civil action to recover the forfeiture in accordance with the provisions of section 504 (a) of the act.

[F. R. Doc. 53-6143; Filed, July 10, 1953;
8:53 a. m.]

PART 63—EXTENSION OF LINES AND DISCONTINUANCE OF SERVICE BY CARRIERS

PUBLICATION AND POSTING OF NOTICES

In the matter of amendment of § 63.90 of the Commission's rules and regulations regarding publication and posting of notice of the filing of applications to discontinue or reduce telephone or telegraph service.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 24th day of June 1953;

The Commission having under consideration the provisions of § 63.90 of its rules, which require that notice of filing certain applications pursuant to section 214 of the Communications Act of 1934, as amended, be posted and published in the form specified therein; and a letter dated May 5, 1953, from the United States Independent Telephone Association alleging that the posting of the prescribed form of notice occasionally gives rise to unjustified fear on the part of the public that there is to be an abandonment of service when ownership of a telephone exchange passes from one company to another; and

It appearing, that the present form of notice, required to be posted by § 63.90 (a) and published by § 63.90 (b) of the Commission's rules and regulations, is not sufficiently flexible to cover all situations and that, as a result, misunderstandings concerning the nature of applications have arisen from time to time;

It further appearing, that, in view of the varying circumstances under which applications for discontinuance or reduction of telephone or telegraph service may arise, no one form of notice would meet every situation, and that, therefore, only the information required to be included in the notice should be specified in the rule;

It further appearing, that notice of proposed rule making and public rule making procedure may be omitted as being unnecessary in accordance with section 4 (a) of the Administrative Procedure Act since the amendments herein ordered are minor and non-substantive in nature;

It further appearing, that authority for the aforesaid Order and amendments of § 63.90 is contained in sections 4 (l) and 214 of the Communications Act of 1934, as amended;

It is ordered, That, effective immediately, § 63.90 (a) and (b) are amended to read as follows:

§ 63.90 *Publication and posting of notices.* (a) Immediately upon the filing of an application or informal request (except a request under §§ 63.67, 63.68 or 63.69) for authority to close or otherwise discontinue the operation, or reduce the hours of service at, a telephone exchange, a telegraph office (except an agency office, a jointly operated office, or an office or exchange located at a military establishment) or a public coast station, the applicant shall post a public notice at least twenty inches (20") by twenty-four inches (24") with letters of commensurate size, in a conspicuous place at the exchange, office, or public coast station⁵ affected for at least fourteen (14) days, which notice shall contain the following information, as may be applicable:

- (1) Date of first posting of notice;
- (2) Name of applicant;
- (3) A statement that application has been made to the Federal Communications Commission;
- (4) Date when application was filed in the Commission;

(5) A description of the discontinuance, reduction or impairment of service for which authority is sought, including the address or other appropriate identification of the exchange, office or station involved;

(6) If applicant proposes to reduce hours of service, a description of present and proposed hours of service;

(7) A complete description of the substitute service, if any, to be provided if the application is granted;

(8) A statement that any member of the public desiring to protest or support the application may communicate in writing with the Federal Communications Commission, Washington 25, D. C., on or before a specified date which shall be twenty (20) days from the date of first posting of the notice.

(b) Immediately upon the filing of an application or informal request (except a request under §§ 63.67, 63.68 or § 63.69) of the nature described in paragraph (a) of this section, the applicant shall also cause to be published a notice of not less than four (4) column inches in size containing information similar to that specified in paragraph (a) at least once during each of two consecutive weeks,

⁵ *Provided, however,* That in cases where the public coast station is not ordinarily accessible to the general public for the purpose of filing or accepting delivery of messages, but an associated public office is provided by the applicant for that purpose, the public notice herein referred to shall be posted in the public office.

in some newspaper of general circulation in the community or part of the community affected: *Provided, however,* That in the case of an application or informal request pertaining to a branch office, other than a request under § 63.68 the applicant may, in lieu of causing a notice to be published, mail or deliver by messenger a notification containing information similar to that specified in paragraph (a) to each telegraph user served by messenger call box circuit or tie-line terminating at the branch office affected.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 214, 43 Stat. 1075, 47 U. S. C. 214)

Released: June 29, 1953.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-6144; Filed, July 10, 1953;
8:53 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 149 to Schedule A]

[Rent Regulation 2, Amdt. 147 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

NEW JERSEY

Effective July 11, 1953, Rent Regulation 1 and Rent Regulation 2 are amended so that Item 190 of Schedules A reads as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1834)

Issued this 8th day of July 1953.

GLIMWOOD J. SHERRARD,
Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
<i>New Jersey</i> (190) Northeastern New Jersey.	B	In ESSEX COUNTY, the cities of East Orange, Newark, and Orange, the townships of Caldwell, Cedar Grove, Livingston, and Millburn, the towns of Belleville, Bloomfield, Irvington, Montclair, Nutley, West Orange, the boroughs of Caldwell and Verona, and the village of South Orange, and all unincorporated localities; in MIDDLESEX COUNTY, the cities of New Brunswick, Perth Amboy, and South Amboy, the townships of East Brunswick, Edison, Monroe, North Brunswick, Piscataway, Raritan, South Brunswick, and Woodbridge, the boroughs of Carteret, Dunellen, Highland Park, Jamarburg, Metuchen, Middletown, Sayreville, South Plainfield, and South River, and all unincorporated localities; in MONMOUTH COUNTY, except the township of Middletown, the boroughs of Allentown, Atlantic Highlands, Aven-by-the-Sea, Brielle, Fair Haven, Farmingdale, Little Silver, Manasquan, Red Bank, Seabright, and Shrewsbury, and all incorporated localities in the borough of Allentown and the townships of Howell, Millstone, and Upper Freehold; in SOMERSET COUNTY, the townships of Bridgewater and Franklin, and the boroughs of Bound Brook, Manville, Raritan, Somerville, and South Bound Brook, and all unincorporated localities; in UNION COUNTY, the cities of Elizabeth, Linden, and Rahway, the townships of Cranford, Hillside, and Union, the town of Westfield, the boroughs of Garwood, Roselle, and Roselle Park, and all unincorporated localities.	Mar. 1, 1942	July 1, 1942
	O	MONMOUTH COUNTY, except the boroughs of Allentown, Allentown, Atlantic Highlands, Aven-by-the-Sea, Brielle, Fair Haven, Farmingdale, Little Silver, Manasquan, Red Bank, Roselle, Seabright, and Shrewsbury, and the townships of Howell, Middletown, Millstone, and Upper Freehold.	Aug. 1, 1952	Nov. 6, 1952

These amendments decontrol the following based on a resolution submitted under section 204 (j) (3) of the act:

The Township of Cranbury in Middlesex County, New Jersey, a portion of the Northeastern New Jersey Defense-Rental Area.

[F. R. Doc. 53-6126; Filed, July 10, 1953; 8:49 a. m.]

PROPOSED RULE MAKING

DEPARTMENT OF AGRICULTURE

Production and Marketing Administration

[P. & S. Docket No. 425]

SIoux CITY STOCK YARDS Co.

NOTICE OF PETITION FOR MODIFICATION OF RATE ORDER

Pursuant to the provisions of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.) an order was issued in this proceeding on May 18, 1953 (12 A. D. 469) authorizing respondent to assess the current schedule of rates and charges to and including May 31, 1955, unless changed by further order before the latter date.

On June 30, 1953, the respondent filed a petition requesting that an order be issued authorizing it to modify its current schedule of rates and charges in the respects set forth below. The petition states that the modifications of rates and charges are requested so that respondent may be reimbursed for expenditures necessary to repair and replace certain of its stockyard facilities damaged as a result of a flood on June 8, 1953.

The proposed modifications are as follows:

YARDAGE CHARGES

CATTLE

	Present rate (per head)	Proposed rate (per head)
Salable receipts.....	\$0.73	\$0.77
Direct receipts.....	.37	.39
Resales—Commission firms.....	.73	.77

CALVES

Salable receipts.....	\$0.41	\$0.45
Direct receipts.....	.21	.23
Resales—Commission firms.....	.41	.45

HOGS

Salable receipts.....	\$0.27	\$0.29
Direct receipts.....	.14	.15
Resales—Commission firms.....	.27	.29

SHEEP

Salable receipts.....	\$0.17	\$0.18
Resales—Commission firms.....	.17	.18

The modifications, if authorized, will produce additional revenue for the respondent and increase the cost of marketing livestock. Accordingly, it appears that this public notice should be given of the filing of the petition and its contents in order that all interested persons may have an opportunity to be heard in the matter.

All interested persons who desire to be heard in the matter shall notify the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., within 15 days after the publication of this notice.

Done at Washington, D. C., this 7th day of July 1953.

[SEAL]

AGNES B. CLARKE,
Hearing Clerk.

[F. R. Doc. 53-6122; Filed, July 10, 1953; 8:47 a. m.]

[7 CFR Ch. IX]

[Docket No. AO-248]

MILK IN BLACK HILLS, SOUTH DAKOTA, MARKETING AREA.

PROPOSED MARKETING AGREEMENT AND ORDER REGULATING HANDLING

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C., 601 et seq.) and in accordance with the applicable rules of practice and procedure, as amended (7 CFR Part 900) notice is hereby given of a public hearing to be held in the City Auditorium, Rapid City, South Dakota, beginning at 10:00 a. m., m. s. t., on July 29, 1953.

The public hearing is for the purpose of receiving evidence with respect to economic and marketing conditions which relate to the handling of milk for the Black Hills, South Dakota, marketing area and to the issuance of a marketing agreement and order regulating the handling of milk in the said marketing area. The proposed marketing agreement and order proposals set forth below have not received the approval of the Secretary of Agriculture, and at the hearing evidence will be received relative to all aspects of the marketing conditions which are dealt with by the proposals or any modifications thereof.

Marketing Agreement and Order Proposed by the Black Hills Cooperative Milk Producers Association, the Rapid City Cooperative Milk Producers Association and the Gate City Cooperative Creamery.

SECTION 1. Act. "Act" mean Public Act No. 10, 73d Congress as amended and as reenacted and amended by the Agricultural Marketing Agreement Act of 1937; as amended (7 U. S. C. 1940 ed. 601 et seq.)

SEC. 2. Secretary. "Secretary" means the Secretary of Agriculture of the United States or any officer or employee of the United States Department of Agriculture who is authorized to exercise the powers and to perform the duties of the Secretary of Agriculture of the United States.

SEC. 3. Black Hills, South Dakota, marketing area. "Black Hills, South Dakota, marketing area", hereinafter called the "marketing area" means all the territory within the County of Lawrence, within the corporate limits of the cities of Belle Fourche, Custer, Rapid City, and Sturgis, South Dakota, within the Ellsworth Air Base in Pennington and Meade Counties, and the Veterans

Administration Hospital at Fort Meade in Meade County, South Dakota.

SEC. 4. Person. "Person" means any individual, partnership, corporation, association, or any other business unit.

SEC. 5. Producer. "Producer" means any person, irrespective of whether such person is also a handler, who produces milk which is received at an approved plant: *Provided*, That such milk is (a) produced under a dairy farm permit or rating issued by a municipal or state health authority having jurisdiction in the marketing area for the production of milk to be disposed of for consumption as Grade A milk, or (b) acceptable to a Federal agency located within the marketing area. This definition shall include any such person who is regularly classified as a producer but whose milk is caused to be diverted to an unapproved plant by a handler and milk so diverted shall be deemed to have been received at an approved plant by the handler who caused it to be diverted.

SEC. 6. Handler. "Handler" means:

(a) Any person, other than a producer handler, in his capacity as the operator of an approved plant(s)

(b) Any other person in his capacity as the operator of an unapproved plant where milk is processed and packaged and from which milk is disposed of on wholesale or retail routes within the marketing area unless such milk is received at and disposed of from an approved plant; or

(c) Any cooperative association with respect to milk of producers diverted by it from an approved plant to an unapproved plant for the account of such cooperative association.

SEC. 7. Approved plant. "Approved plant" means any milk processing plant from which skim milk and butterfat are disposed of as Class I milk (a) to any Federal agency located within the marketing area, or (b) on wholesale or retail routes (including plant stores) within the marketing area under a Grade A permit issued by any municipal or state health authority having jurisdiction in the marketing area.

Alternate Proposal:

SEC. 6. Handler. "Handler" means (a) any person in his capacity as the operator of an approved plant, or (b) any cooperative association with respect to the milk of any producer which such cooperative association causes to be diverted from an approved plant to an unapproved plant for the account of such cooperative association.

SEC. 7. Approved plant. "Approved plant" means any milk plant or portion thereof which is:

(a) Approved by the health authority of any municipal or State government for the handling of milk for consumption as Grade A milk and from which Class I milk is disposed of within the marketing area, or

(b) Supplying Class I milk products to any agency of the United States Government located within the marketing area.

NOTE: It is recognized that technical changes in other sections may be required if the alternate definitions are adopted.

SEC. 8. *Unapproved plant.* "Unapproved plant" means any milk processing plant other than an approved plant.

SEC. 9. *Producer-handler.* "Producer-handler" means any person who is both a producer and a handler and who receives no milk from other producers or associations of producers: *Provided*, That the maintenance, care and management of the dairy animals and other resources necessary to produce the milk and the processing, packaging and distribution of the milk are the personal enterprise and the personal risk of such person.

SEC. 10. *Cooperative association.* "Cooperative association" means any cooperative marketing association which the Secretary determines, after application by the association;

(a) Is qualified under the provisions of the act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," and

(b) Has full authority in the sale of milk of its members and is engaged in making collective sales of or marketing milk or its products for its members.

SEC. 11. *Producer milk.* "Producer milk" means any skim milk or butterfat which is produced by a producer, other than a producer-handler, and which is received by a handler either directly from producers or from other handlers.

SEC. 12. *Other source milk.* "Other source milk" means any skim milk or butterfat other than that contained in producer milk.

SEC. 13. *Delivery period.* "Delivery period" means a calendar month or the portion thereof during which this subpart is in effect.

MARKET ADMINISTRATOR

SEC. 20. *Designation.* The agency for the administration of this subpart shall be a market administrator who shall be a person selected by the Secretary. Such person shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of the Secretary.

SEC. 21. *Powers.* The market administrator shall have the following powers with respect to this subpart.

(a) To administer its terms and provisions;

(b) To receive, investigate, and report to the Secretary complaints of violations;

(c) To make rules and regulations to effectuate its terms and provisions; and

(d) To recommend amendments to the Secretary.

SEC. 22. *Duties.* The market administrator shall perform all duties necessary to administer the terms and provisions of this subpart, including but not limited to the following:

(a) Within 30 days following the date upon which he enters upon his duties execute and deliver to the Secretary a bond conditioned upon the faithful performance of his duties in an amount and with surety thereon satisfactory to the Secretary;

(b) Employ and fix the compensation of such persons as may be necessary to enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay out of the funds provided by section 72 the cost of his bond, his own compensation and all other expenses necessarily incurred in the maintenance and functioning of his office;

(e) Keep such books and records as will clearly reflect the transactions provided for in this subpart, and surrender the same to his successor or to such other person as the Secretary may designate;

(f) Unless otherwise directed by the Secretary, publicly disclose to handlers and producers the name of any person who, within 10 days after the date upon which he is required to perform such acts, has not (1) made reports pursuant to section 30 or (2) made payments pursuant to sections 65 and 69;

(g) Promptly verify the information contained in reports submitted by handlers;

(h) Publicly announce by such means as he deems appropriate the prices determined for each delivery period as follows:

(1) On or before the 3d day of each delivery period, the minimum prices for skim milk and butterfat (i) in Class I milk computed pursuant to section 5 (a) for the current delivery period, and (ii) in Class II milk computed pursuant to section 5 (b) for the preceding delivery period; and

(2) On or before the 7th day of each delivery period, the uniform price computed pursuant to section 61 and the butterfat differential computed pursuant to section 66 both for the preceding delivery period.

REPORTS, RECORDS AND FACILITIES

SEC. 30. *Delivery period reports of receipts and utilization.* (a) On or before the 5th day after the end of each delivery period, each handler who operates an approved plant shall report to the market administrator, in the detail and on forms prescribed by the market administrator, the following information with respect to all milk received from producers, all milk, skim milk, cream and milk products received from other handlers, and all other source milk (except nonfluid milk products disposed of in the form in which received without further processing or packaging by the handler) received at his approved plants:

(1) The quantities of skim milk and butterfat contained in such receipts and their sources;

(2) The utilization of such receipts; and

(3) Such other information with respect to such receipts and utilization as the market administrator may prescribe.

(b) On or before the 5th day after the end of each delivery period, each handler who operates an unapproved plant shall report to the market administrator, in the detail and on forms prescribed by the market administrator, his total disposition within the marketing area of Class I milk from such plant.

SEC. 31. *Producer payroll reports.* On or before the 20th day after the end of each delivery period each handler who operates an approved plant shall submit to the market administrator his producer payroll for such delivery period, which shall show (a) the pounds of milk and the percentages of butterfat contained therein received from each producer; (b) the amount and date of payment to each producer or cooperative association; and (c) the nature and amount of each deduction or charge involved in the payments made to producers or cooperative associations.

SEC. 32. *Other reports.* Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may request.

SEC. 33. *Records and facilities.* Each handler shall maintain and make available to the market administrator or his representative during the usual hours of business such accounts and records of his operations and such facilities as are necessary for the market administrator to verify or to establish the correct data with respect to:

(a) The receipts and utilization of all producer milk and other source milk;

(b) The weights and tests for butterfat and other content of all milk, skim milk, cream and milk products handled;

(c) Payments to producers and cooperative associations; and

(d) The pounds of butterfat and skim milk contained in or represented by all milk, skim milk, cream and milk products on hand at the beginning and end of each delivery period.

SEC. 34. *Retention of records.* All books and records required under this subpart to be made available to the market administrator shall be retained by the handler for a period of 3 years to begin at the end of the calendar month to which such books and records pertain: *Provided*, That if, within such 3 year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, is necessary in connection with a proceeding under section 8c (15) (A) of the act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case the market administrator shall give further written notification to the handler promptly, upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

SEC. 40. *Skim milk and butterfat to be classified.* Skim milk and butterfat contained in all milk, skim milk, cream, and milk products received during the delivery period by a handler and required to be reported pursuant to section 30 (a) shall be classified by the market administrator pursuant to sections 41 to 45 inclusive.

SEC. 41. *Classes of utilization.* Subject to the conditions set forth in sections 43 and 44 the classes of utilization shall be as follows:

(a) *Class I milk.* Class I milk shall be all skim milk and butterfat (1) disposed of in fluid form as milk, skim milk, buttermilk, flavored milk, flavored milk drinks, cream, either sweet or sour (including any mixture of butterfat and skim milk containing more than 6 percent butterfat except mixes for ice cream and frozen desserts) (2) disposed of as or used to produce any other milk product required by the health authorities in the marketing area to be produced from Grade A milk and (3) all skim milk and butterfat not specifically accounted for as Class II milk.

(b) Class II milk shall be all skim milk and butterfat (1) used to produce a milk product not specified in paragraph (a) of this section, (2) in shrinkage up to 2 percent of receipts from producers and cooperative associations and (3) in shrinkage of other source milk.

SEC. 42. *Shrinkage.* The market administrator shall allocate shrinkage over a handler's receipts as follows:

(a) Compute the total shrinkage of skim milk and butterfat for each handler and

(b) Prorate the resulting amounts between the receipts of skim milk and butterfat contained in producer milk and in other source milk.

SEC. 43. *Transfers.* (a) Skim milk and butterfat, when transferred or diverted from an approved plant to another approved plant where milk is received from producers, shall be Class I if transferred or diverted in the form of milk, skim milk or cream: *Provided*, That, if the transferring handler, on or before the 5th day after the end of the delivery period during which the transfer of diversion is made, furnishes to the market administrator a statement signed by the buyer indicating that such skim milk or butterfat was used in Class II, such skim milk or butterfat may be assigned to the indicated class up to the amount thereof remaining in such class in the plant of the receiver after the subtraction of other source milk, pursuant to section 46: *Provided further* That, if other source milk has been received, at either or both plants, such milk so disposed of shall be classified at both plants so as to return the higher class utilization to producer milk.

(b) Skim milk and butterfat when transferred or diverted from an approved plant to an unapproved plant shall be Class I if transferred in the form of milk, skim milk, or cream unless the transferring handler furnishes a statement signed by the buyer that such skim

milk or butterfat was used in Class II: *Provided*, That if the buyer refuses to permit the market administrator to audit his books and records, such milk, skim milk or cream shall be reclassified as Class I. *Provided further*, That if upon audit of the buyer's records, it is found that the use of skim milk and butterfat in the buyer's plant in Class II is less than the amount stated to have been so used, any amount in excess of such Class II use shall be classified as Class I.

(c) Skim milk or butterfat when transferred or diverted from an approved plant to a producer-handler in the form of milk, skim milk, or cream shall be classified as Class I.

SEC. 44. *Responsibility of handlers and reclassification of milk.* (a) In establishing the classification of skim milk and butterfat as required in section 41 the burden rests upon the handler who receives such skim milk or butterfat from producers to prove to the market administrator that such skim milk or butterfat should not be classified as Class I milk.

(b) Any skim milk or butterfat shall be reclassified if verification by the market administrator discloses that the original classification was incorrect.

SEC. 45. *Computation of skim milk and butterfat in each class.* For each delivery period the market administrator shall correct for mathematical and other obvious errors the delivery period report submitted by each handler pursuant to section 30 (a) and shall compute the respective amounts of skim milk and butterfat in each class for such handler.

SEC. 46. *Allocation of skim milk and butterfat classified.* After computing the classification of all skim milk and butterfat received by a handler pursuant to section 45 the market administrator shall determine the classification of milk received from producers as follows:

(a) Skim milk shall be allocated in the following manner:

(1) Subtract from the total pounds of skim milk in Class II, the pounds of skim milk allocated to shrinkage of producer milk.

(2) Subtract from the remaining pounds of skim milk in Class II the pounds of skim milk contained in other source milk: *Provided*, That if the receipts of skim milk in other source milk are greater than the pounds of skim milk remaining in Class II, an amount equal to the difference shall be subtracted from the pounds of skim milk in Class I.

(3) Subtract from the remaining pounds of skim milk in each class the pounds of skim milk contained in receipts from other handlers in accordance with its classification as determined pursuant to section 43 (a)

(4) Add to the remaining pounds of skim milk in Class II the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph;

(5) Subtract pro rata from the remaining pounds of skim milk in each class the pounds of skim milk contained in such handler's own production, and milk received from a cooperative association which is a handler.

(6) If the remaining pounds of skim milk in both classes exceed the pounds

of skim milk reported as having been received from producers an amount equal to the difference shall be subtracted from the pounds of skim milk in Class II. *Provided*, That any amount in excess of the pounds remaining in Class II shall be subtracted from Class I. Any amount so subtracted shall be called "overage."

(b) Butterfat shall be allocated in accordance with the same procedure outlined for skim milk in paragraph (a) of this section.

MINIMUM PRICES

SEC. 50. *Basic price to be used in computing the Class I price.* The basic price to be used in computing the minimum price per hundredweight of Class I milk for each delivery period shall be the higher of the prices computed pursuant to paragraphs (a) and (b) of this section.

(a) The average of the basic or field prices reported to have been paid for milk of 3.5 percent butterfat content received during the preceding delivery period at the following plants or places for which prices are reported to the market administrator or to the Department of Agriculture:

Companies and Location

Borden Co., Black Creek, Wis.
Borden Co., Greenville, Wis.
Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Berlin, Wis.
Carnation Co., Jefferson, Wis.
Carnation Co., Chilton, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., Hudson, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price commuted pursuant to section 51 (b) for the preceding delivery period for Class II milk containing 3.5 percent butterfat.

SEC. 51. *Class prices.* Each handler shall pay at the time and in the manner set forth in section 65 not less than the prices set forth in this section for skim milk and butterfat in milk received from producers during the delivery period at such handler's plant.

(a) *Class I milk.* (1) The price per hundredweight for Class I milk containing 3.5 percent butterfat shall be the basic price computed pursuant to section 50 plus \$2.00.

(2) The price per hundredweight for butterfat in Class I milk shall be computed by adding \$40.00 to the price computed pursuant to paragraph (b) (2) of this section for the preceding delivery period.

(3) The price per hundredweight for skim milk in Class I shall be computed by (i) multiplying by 0.035 the price computed pursuant to subparagraph (2) of this paragraph, (ii) subtracting the result from the price computed pursuant to subparagraph (1) of this paragraph, (iii) dividing the result by 0.965, and (iv) adjusting to the nearest cent.

(b) *Class II milk.* (1) The price per hundredweight for Class II milk con-

taining 3.5 percent butterfat shall be computed by the market administrator as follows: (i) Multiply by 1.25 the simple averages of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the delivery period and subtract 5 cents, (ii) multiply by 3.5, (iii) add 21 cents, and (iv) add 3 cents for each full one-half cent that the price of nonfat dry milk solids is above 7 cents per pound. The price of nonfat dry milk solids to be used shall be the arithmetical average of the carlot prices, both spray and roller process, for human consumption delivered at Chicago, as reported by the Department of Agriculture during the delivery period. In the event the Department of Agriculture does not publish carlot prices for nonfat dry milk solids for human consumption delivered at Chicago, the average of the carlot prices for nonfat dry milk solids, spray and roller process, for human consumption, f. o. b. manufacturing plants in the Chicago area as published by the Department of Agriculture for the period from the 26th day of the preceding delivery period through the 25th day of the current delivery period, shall be used and 3 cents shall be added for each full one-half cent that the latter price is above 6 cents per pound.

(2) The price per hundredweight for butterfat in Class II shall be computed by adjusting to the nearest full cent the price computed pursuant to subparagraph (1) (i) of this paragraph and multiplying by 100.

(3) The price per hundredweight for skim milk in Class II shall be computed by (i) multiplying by 0.035 the price computed pursuant to subparagraph (2) of this paragraph, (ii) subtracting the result from the price computed pursuant to subparagraph (1) of this paragraph, (iii) dividing the result by 0.965, and (iv) adjusting to the nearest cent.

SEC. 52. Emergency price provisions. Whenever the provisions of this subpart require the market administrator to use a specific price (or prices) for milk or any milk product for the purpose of determining minimum class prices or for any other purpose, and the specified price is not reported or published the market administrator shall use a price determined by the Secretary to be equivalent to or comparable with the price specified.

DETERMINATION OF UNIFORM PRICE

SEC. 60. Computation of the value of milk. (a) The value of the milk received by each handler from producers during each delivery period shall be a sum of money computed by the market administrator by multiplying the hundredweight of skim milk and butterfat allocated to each class pursuant to section 46 by the applicable class prices, adding together the resulting amounts and adding any amounts owed by the handler pursuant to subparagraphs (1) and (2) of this paragraph.

(1) If a handler has coverage of either skim milk or butterfat, the market ad-

ministrator shall add an amount computed by multiplying the pounds of overage by the applicable class prices.

(2) If any skim milk or butterfat in other source milk has been allocated to Class I pursuant to section 46, the market administrator shall add an amount equal to the difference between the value of such skim milk or butterfat at the Class I price and the Class II price unless the handler can prove to the satisfaction of the market administrator that such other source skim milk or butterfat was used only to the extent that producer milk was not available.

(b) If any handler who operates an unapproved plant has disposed of Class I milk in the marketing area, the market administrator shall determine a value for such handler by multiplying the pounds of such Class I milk by an amount equal to the difference between the Class I price and the Class II price.

SEC. 61. Computation of uniform price. For each delivery period the market administrator shall compute a uniform price per hundredweight for milk received from producers as follows:

(a) Combine into one total the values computed pursuant to section 60 for all handlers who filed reports pursuant to section 30 and who made the payments required pursuant to sections 65 and 69 for the previous delivery period;

(b) Subtract if the average butterfat content of the milk included in these computations is greater than 3.5 percent, or add if such average butterfat content is less than 3.5 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 3.5 percent by the butterfat differential computed pursuant to section 66 and multiplying the resulting amount by the total hundredweight of milk included in these computations;

(c) Add an amount equal to not less than one-half of the unobligated balance in the producer settlement fund;

(d) Divide the resulting sum by the total hundredweight of producer milk included in these computations; and

(e) Subtract not less than 4 cents nor more than 5 cents per hundredweight for the purpose of retaining in the producer-settlement fund a cash balance to provide against errors in reports or payments or delinquencies in payments by the handlers. The result shall be known as the "uniform price" per hundredweight for producer milk of 3.5 percent butterfat content.

SEC. 62. Notification of handlers. On or before the 8th day after the end of each delivery period the market administrator shall notify each handler of:

(a) The amount and value of his milk in each class computed pursuant to sections 46 and 60 respectively, and the totals of such amounts and values;

(b) The uniform price computed pursuant to section 61,

(c) The amount, if any, due such handler from the producer-settlement fund;

(d) The total amounts to be paid by such handler pursuant to sections 65 and 71, and

(e) The amount to be paid by such handler pursuant to section 72.

PAYMENTS

SEC. 65. Time and method of payments. Each handler shall make payment for milk as follows:

(a) *Final payment.* On or before the 10th day after the end of the delivery period:

(1) To each producer for milk which was not caused to be delivered by a cooperative association which is a handler at not less than the uniform price computed in accordance with section 61, subject to the butterfat differentials computed pursuant to section 66 and less the amount of the payment made to such producers pursuant to paragraph (b) (1) of this section.

(2) To a cooperative association which is a handler for milk which it caused to be delivered to such handler by such cooperative association at not less than the value of such milk at the applicable class prices, less the amount of the payment made pursuant to paragraph (b) (2) of this section.

(b) *Mid-delivery period payment.* On or before the 25th day of each delivery period:

(1) To each producer for milk which was not caused to be delivered by a cooperative association which is a handler an amount computed by multiplying the hundredweight of milk delivered during the first 15 days of the delivery period by the uniform price announced by the market administrator for the immediately preceding delivery period.

(2) To a cooperative association which is a handler for milk which was caused to be delivered to such handler by such cooperative association an amount computed by multiplying the hundredweight of milk caused to be so delivered during the first 15 days of the delivery period by the uniform price announced by the market administrator for the immediately preceding delivery period.

SEC. 66. Butterfat differential. If, during the delivery period, any handler has received from any producer milk having an average butterfat content other than 3.5 percent, such handler in making the payments prescribed in section 65 shall add to the uniform price for each one-tenth of one percent that the average butterfat content of such milk is above 3.5 percent not less than, or shall deduct from the uniform price for each one-tenth of one percent that such average butterfat content is below 3.5 percent not more than, an amount computed by the market administrator as follows: To the simple average of the daily wholesale selling prices (using the midpoint of any price range as one price) of Grade A (92-score) bulk creamery butter per pound at Chicago as reported by the Department of Agriculture during the delivery period in which the milk was received, add 20 percent, divide the result obtained by 10, and adjust to the nearest cent.

SEC. 67. Adjustment of errors in payment to producers. Whenever verification by the market administrator of the payment by a handler to any producer or to a cooperative association discloses

payment of an amount less than is required by section 65 the handler shall make up such payment to the producer or cooperative association not later than the time of making payment next following such disclosure.

SEC. 68. Producer-settlement fund. The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to sections 69 and 71 and out of which he shall make all payments to handlers pursuant to sections 70 and 71. *Provided*, That the market administrator shall offset any payment due any handler against payments due from such handler.

SEC. 69. Payments to the producer-settlement fund. On or before the 10th day after the end of each delivery period (a) each handler who operates an approved plant shall pay to the market administrator for the payment to producers through the producer-settlement fund the amount, if any, by which the total value computed for him pursuant to section 60 (a) for such delivery period is greater than the sum required to be paid by such handler pursuant to section 65, and (b) each handler who operates an unapproved plant shall make payment to the market administrator of an amount equal to the value computed for him pursuant to section 60 (b)

SEC. 70. Payments out of the producer-settlement fund. On or before the 10th day after the end of each delivery period, the market administrator shall pay to each handler, for payment to producers, the amount, if any, by which the sum required to be paid by such handler pursuant to section 65 is greater than the total value computed for him pursuant to section 60.

SEC. 71. Adjustment of errors in payments. Whenever verification by the market administrator of reports or payments of any handler discloses errors in payments to or from the producer settlement fund made pursuant to sections 69 and 70, the market administrator shall promptly bill such handler for any unpaid amounts and such handler shall, within 5 days of such billing, make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to section 70 the market administrator shall, within 5 days, make such payment to such handler.

SEC. 72. Expense of administration. As his pro rata share of the expense of administration of this subpart, each handler who operates an approved plant shall pay to the market administrator, on or before the 15th day after the end of the delivery period, 5 cents per hundredweight of such amount not exceeding 5 cents per hundredweight as the Secretary may prescribe with respect to all receipts within the delivery period of (a) milk from producers including such handler's own production, and (b) other source milk which is classified as Class I milk, and each handler who operates an

unapproved plant shall make such payment only with respect to Class I milk disposed of within the marketing area.

SEC. 73. Termination of obligations. The provisions of this section shall apply to any obligation under this part for the payment of money.

(a) The obligation of any handler to pay money required to be paid under the terms of this subpart shall, except as provided in paragraphs (b) and (c) of this section, terminate two years after the last day of the calendar month during which the market administrator receives the handler's utilization report on milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

- (1) The amount of the obligation;
- (2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and
- (3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers, or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this part, to make available to the market administrator or his representative all books and records required by this subpart to be made available, the market administrator may, within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two year period with respect to such obligation shall not begin to run until the first day of the calendar month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this part to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact, material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this subpart shall terminate two years after the end of the calendar month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the calendar month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section (15) (A) of the act, a petition claiming such money.

EFFECTIVE TIME, SUSPENSION OR TERMINATION

SEC. 80. Effective time. The provisions of this subpart or any amendment to this subpart shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to section 81.

SEC. 81. Suspension or termination. The Secretary may suspend or terminate this subpart or any provision of this subpart whenever he finds this subpart or any provision of this subpart obstructs or does not tend to effectuate the declared policy of the act. This subpart shall terminate in any event whenever the provisions of the act authorizing it cease to be in effect.

SEC. 82. Continuing obligations. If, upon the suspension or termination of any or all provisions of this subpart, there are any obligations under this subpart the final accrual or ascertainment of which requires further acts by any person (including the market administrator), such further acts shall be performed notwithstanding such suspension or termination.

SEC. 83. Liquidation. Upon the suspension or termination of the provisions of this subpart except this section, the market administrator, or such other liquidating agent as the Secretary may designate, shall if so directed by the Secretary, liquidate the business of the market administrator's office, dispose of all property in his possession or control, including accounts receivable, and execute and deliver all assignments or other instruments necessary or appropriate to effectuate any such disposition. If a liquidating agent is so designated, all assets, books, and records of the market administrator shall be transferred promptly to such liquidating agent. If, upon such liquidation, the funds on hand exceed the amounts required to pay outstanding obligations of the office of the market administrator and to pay necessary expenses of liquidation and distribution, such excess shall be distributed to contributing handlers and producers in an equitable manner.

MISCELLANEOUS PROVISIONS

SEC. 90. Agents. The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this subpart.

SEC. 91. Separability of provisions. If any provision of this subpart or its application to any person or circumstances is held invalid, the application of such provision and of the remaining provisions of this subpart to other persons or circumstances shall not be affected thereby.

Copies of this notice of hearing may be procured from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Dated: July 7, 1953, at Washington, D. C.

[SEAL] ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 53-6120; Filed, July 10, 1953;
8:46 a. m.]

[7 CFR Part 924]

[Docket No. AO-225-A4]

HANDLING OF MILK IN DETROIT, MICHIGAN, MARKETING AREA

PROPOSED AMENDMENTS TO TENTATIVE MAR- KETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held in the Park-Shelton Hotel, Woodward and Kirby Streets, Detroit, Michigan, beginning at 10:00 a. m., e. s. t., July 27, 1953, for the purpose of receiving evidence with respect to emergency and other economic conditions which relate to the proposed amendments hereinafter set forth, or appropriate modifications thereof. These proposed amendments have not received the approval of the Secretary of Agriculture.

Proposals numbered 2, 3, and 4 as hereinafter set forth concern the definition of handlers and thereby determine the milk which is priced under the order. Any change in the definition therefore affects the status of other source milk under the order. In order to permit complete consideration of these issues, testimony relating to §§ 924.46, 924.47 and 924.60 (b) will be received.

Amendments to the order, as amended, for the Detroit, Michigan, marketing area have been proposed as follows:

By United Dairies, Inc.:

1. In § 924.5 insert following the word "Southfield" the words "Highland, Milford, Lyon,".

By Michigan Milk Producers Association:

2. Delete § 924.6 (b), and substitute the following:

(b) A person who operates a plant other than one described in paragraph (a) of this section which is approved by the Department of Health of the city of Detroit, Ann Arbor, Pontiac, or Port Huron for the handling of milk for consumption as Class I milk in the marketing area, except such a plant from which less than 50 percent of its dairy farm supply of milk is moved to a plant described in paragraph (a) of this section in each of the months of October, November, December and January of each year: *Provided*, That the operator of such plant shall not first qualify as a handler with respect to such plant until the second month of such movement: *And, provided further*, that such required movement of milk shall apply to the combined producer milk received at

any two or more plants which were qualified prior to October 1 of each year and which (1) are operated by on handler or, (2) the movement of milk from such plants, to plants described in paragraph (a) of this section is under the direction of one cooperative association.

By James Warner Dairy, Inc.:

3. Amend § 924.6 (b) to exclude a § 924.6 (b) type plant that does not distribute milk on routes in the marketing area.

By Independent Dairymen's Co-operative:

4. Add to § 924.6:

(c) A cooperative association with respect to milk customarily received by a handler as described under paragraph (a) or (b) of this section, which is diverted to a person not a handler for the account of the association.

By Morris C. Place:

5. Amend § 924.8 to read:

§ 924.8 *Producer-handler*. "Producer-handler" means a person who is a handler and who produces milk.

By James Warner Dairy:

6. Amend § 924.41 (a) to remove skim milk from Class I to Class II.

By the Dairy Branch, Production and Marketing Administration:

7. In § 924.41 (a) insert following the phrase "all skim milk" the following: "(including the skim milk equivalent of concentrated products)".

8. Delete § 924.41 (b) and insert therefor the following:

(b) Class II utilization shall be all skim milk and butterfat (1) disposed of for fluid consumption as sweet or sour cream; or (2) used to produce sterilized flavored milk drinks, ice cream or ice cream mix, cheese (including cottage cheese), dried whole milk, non-fat dry milk solids, evaporated or condensed whole or skim milk, sweetened or unsweetened, disposed of in bulk or in hermetically sealed cans, egg nog, butter, or livestock feed, or skim milk dumped as authorized by the market administrator; or (3) in shrinkage of producer milk up to 2 percent of receipts from producers; or (4) in shrinkage of other source milk.

9. In § 924.43 (c) delete the words "from which no milk is disposed of on a route(s) in the marketing area".

By Ira Wilson & Sons Dairy Co.:

10. Amend § 924.51 to read as follows:

§ 924.51 *Class I milk price*. (a) The minimum price per hundredweight to be paid by each handler f. o. b. his plant as described in § 924.60 and subject to the distance differential provided in § 924.60 (c) for milk of 3.5 percent butterfat content received from producers, during the month, which is classified as Class I utilization shall be the basic formula price plus \$1.75 multiplied by the percentage of Class I utilization as defined in paragraph (b) of this section.

(b) The percentage of Class I utilization shall be the total pounds of Class I utilization by handlers for the current month divided by the total pounds of producer milk for the current month as computed by the market administrator to the nearest full percentage point.

By the Borden Company and Detroit Creamery Co.:

11. Amend § 924.52 by deleting the words "for the months of May, June and July" in the first sentence of the proviso in the first paragraph of that section.

12. Amend § 924.60 to provide that a credit be allowed handlers for the necessary transportation of Class II producer milk from point of delivery by producers to manufacturing plants.

By the Dairy Branch, Production and Marketing Administration:

13. In § 924.60 (a) insert "(b) and" following the word "paragraph". In § 924.60 (b) insert "For" at the beginning of the section, delete the words "shall pay to the producer equalization fund each month" and substitute therefor the word "add".

14. Delete § 924.60 (c) and substitute therefor the following:

(c) A handler who operates a plant as described in § 924.6 (b) (or § 924.6 (a) and located more than 34 miles by shortest highway distance from the boundary of the marketing area) and disposes of milk from such plant which was received from producers for Class I utilization other than to a handler, and a handler who receives at a plant described in § 924.6 (a) producer milk moved in bulk from a plant described in § 924.6 (b) which milk is utilized as Class I (prorating to such milk the utilization of all producer milk received at the plant) shall receive a credit with respect to milk so disposed of or so moved at the rate for the applicable zone as determined by the market administrator as follows:

Zone No.	Shortest road distance from Detroit City Hall	Rate per hundred-weight
1	More than 34 miles but not more than 49 miles.....	\$0.14
2	More than 49 miles but not more than 57 miles.....	.15
3	More than 57 miles but not more than 65 miles.....	.16
4	More than 65 miles but not more than 73 miles.....	.17
5	More than 73 miles but not more than 81 miles.....	.18
6	More than 81 miles but not more than 89 miles.....	.19
7	More than 89 miles but not more than 97 miles.....	.20
8	More than 97 miles but not more than 105 miles.....	.21
9	More than 105 miles but not more than 113 miles.....	.22
10	More than 113 miles but not more than 121 miles.....	.23
11	More than 121 miles but not more than 129 miles.....	.24
12	More than 129 miles but not more than 137 miles.....	.25
13	More than 137 miles.....	.26

By Dairyland Cooperative Creamery Company and Michigan Producers Dairy Co.:

15. Amend the table at the end of § 924.60 (c) by deleting zones 8 through 13 and substituting therefor the following: "And an allowance of 1 cent per hundredweight for each 18 miles over 97 miles".

By James Warner Dairy, Inc. and London's Farm Dairy Inc.:

16. Amend § 924.60 (c) to read as follows:

(c) A handler who receives milk from producers at a plant located more than 34 miles by shortest highway distance from the Detroit City Hall, shall receive a credit with respect to producer milk disposed of as Class I utilization computed on the weight of milk so utilized (prorating to such milk the utilization of all producer milk received at such plant) at the rate for the applicable zone as determined by the market administrator, as follows: continue with present schedule of zones and rates.

By the Dairy Branch, Production and Marketing Administration:

17. Delete § 924.62 (b) and substitute therefor the following:

(b) Subtracting not less than 6 cents or more than 7 cents.

18. In § 924.64 (e) delete the first sentence and substitute therefor the following: "(e) Subtract not less than 6 cents nor more than 7 cents."

By Michigan Milk Producers Association:

19. Add a paragraph (e) to § 924.70 to read as follows:

(e) A producer who remains off the market less than 45 days during the base-building period but who fails to deliver milk during at least 122 days of the August 1-December 31 period; shall have his next year's base computed by dividing the total pounds shipped in the period by 122, which amount will be his daily base.

20. Delete § 924.71 (b) (2) and substitute therefor the following:

(2) Bases may be held jointly and if such joint holding is terminated the base may be divided among the joint holders as specified in writing by them to the market administrator.

(3) Two or more producers with bases may combine those bases upon the formation of a bona fide partnership.

21. Delete § 924.71 (c) and substitute therefor the following:

(c) A producer who does not deliver milk to a handler for 45 consecutive days shall forfeit his base except that a producer who suffers the complete loss of his barn due to fire or windstorm may retain his base without loss for one year.

By the Dairy Branch, Production and Marketing Administration:

22. In § 924.72 insert following the words "first day of the month" the words "specified but not earlier than the first day of the month"

By Morris C. Place:

23. Amend § 924.102 to read as follows:

§ 924.102 *Producer-handler exemption.* (a) A producer-handler who buys no milk from other producers or from a cooperative shall be exempt from all provisions of this subpart except §§ 924.31, 924.32, 924.33, and 924.60.

(b) A producer-handler who buys milk from other producers is subject to all provisions of this subpart which apply to a handler, on milk which he purchases, but milk which he produces shall be exempt from all provisions of this subpart except §§ 924.31, 924.32, 924.33, and 924.60.

By the Dairy Branch, Production and Marketing Administration:

24. Make such other changes as may be required to make the marketing agreements and order in their entirety conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and of the order, as amended, now in effect may be obtained from the Market Administrator, 5701 Second Boulevard, Detroit 2, Michigan, or from the Hearing Clerk, Room 1353, South Building, United States Department of Agriculture, Washington 25, D. C., or may be there inspected.

Issued at Washington, D. C., this 9th day of July 1953.

[SEAL]

ROY W. LENNARTSON,
Assistant Administrator.

[F. R. Doc. 53-6215; Filed, July 10, 1953; 8:59 a. m.]

17 CFR Part 975.1

[Docket No. AO-179-A11]

HANDLING OF MILK IN CLEVELAND, OHIO, MARKETING AREA

NOTICE OF RECOMMENDED DECISION AND OPPORTUNITY TO FILE WRITTEN EXCEPTIONS WITH RESPECT TO PROPOSED AMENDMENTS TO TENTATIVE MARKETING AGREEMENT AND TO ORDER, AS AMENDED

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of the recommended decision of the Assistant Administrator, Production and Marketing Administration, United States Department of Agriculture, with respect to a proposed marketing agreement and a proposed order, regulating the handling of milk in the Cleveland, Ohio, marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D. C., not later than the close of business the 5th day after publication of this decision in the FEDERAL REGISTER. Exceptions should be filed in quadruplicate.

Preliminary statement. The hearing, on the record of which the proposed amendments, as hereinafter set forth, to the tentative marketing agreement and to the order, as amended, were formulated, was conducted at Cleveland, Ohio on June 17, 1953, pursuant to notice thereof which was issued on June 13, 1953 (18 F. R. 3420).

A decision with respect to a proposed amendment to the provisions for pricing Class I milk under the order during the month of July 1953 was filed June 24, 1953 (18 F. R. 3696) and an order on such amendments was issued June 29, 1953 (18 F. R. 3795). The findings and conclusions with respect to the issues dealt with herein were specifically deferred, pending further study and consideration.

The material issues of record related to:

(1) A revision of the pricing provisions applicable to Class I milk, with particular reference to the "supply-demand adjustment"

Findings and conclusions. The seasonal aspects of the "supply-demand adjustment" should be modified to provide a uniform two-cent rate of adjustment for each percentage point that current utilization percentage is above or below the standard utilization percentage, the total amount of the adjustment in any given month should be limited to 43 cents, and the pattern of seasonality adopted as "standard" should be modified.

Four cooperative associations of producers and a substantial group of handlers in the market jointly proposed that the supply-demand adjustment be permanently deleted from the order. The proponents' principal line of testimony in favor of deleting the adjustment was that the prices which would have resulted from its operation since November 1952 would have been below the competitive levels which handlers found it necessary to pay in order to maintain the supply of milk which they consider necessary for the operation of their milk distribution business. They testified that prices under the order must ultimately be adjusted to supply and demand conditions. However, they felt that this could be more efficiently done by amendment to the order than by an automatic supply-demand adjustment.

The record discloses considerable confusion regarding the basic purposes and method of operation of a supply-demand adjustment provision. This type of adjustment is based upon a prediction of the probable relation of supplies and sales in the market during the month for which the Class I price is being determined. If there are indications that supplies will be larger than normal in relation to Class I requirements, the Class I price is automatically reduced. On the other hand, if prospective supplies are below normal in relation to sales, the Class I price is automatically increased. The resulting change in the Class I price will tend to encourage the shifting of producers and supply plants between markets and the alteration of production plans on individual farms.

The prediction of supply-demand relationship must be based upon objective factors. There have been attempts to predict changes in milk supplies on the basis of such factors as pasture conditions, feed supplies and prices, cattle numbers, and the attractiveness of alternative farm enterprises. However, the variables are so numerous that no dependable predictors of this type have been developed. It has been found, however, that supply-demand relationships in the immediately preceding months are significantly useful in estimating prospects for the pricing month. In view of the limitations inherent in using such a predictor to estimate the prospective situation, it has been found desirable to provide a fixed Class I price differential from which the supply-demand adjustment is added or subtracted instead of having the entire differential determined

by supply-demand data for recent months. Further, limits should be established for the maximum and minimum amount of the supply-demand adjustment, and the possibility of random fluctuations in the adjustment should be checked by such measures as the use of a two-month instead of a one-month predictor and the bracketing of the amount of the adjustment.

A supply-demand adjustment was included in Amendment No. 6 to the order, which became effective November 1, 1952. However, the amendment provided that actual operation of the adjustment be deferred until July 1, 1953, in order to allow the market a period of readjustment following the addition of four country plants as part of the regular market supply. These plants were qualified as pool plants in February and March 1952.

The schedule of "standard utilization percentages" established in the order is based upon a conclusion that the market requires receipts from producers to be 115 percent of gross Class I sales in November, which is usually the month of shortest supply. The standard utilization percentages for months other than November were set at the usual seasonal relationship to November. This seasonal pattern was based mainly upon 1949-1951 experience, slightly modified in the expectation that producers would deliver a more nearly uniform supply than in 1949-51. Supply-demand conditions during the pricing month were predicted by sales and receipts during the first and second months preceding the pricing month. Price changes were computed at the rate of two cents for each percentage point of indicated oversupply or undersupply, except that 3 cents per point was added in case an undersupply was in prospect during the normally short months of October, November, and December and 3 cents deducted for any prospective oversupply during the normally flush months of April, May, and June. These higher rates were designed to offer a maximum incentive to correct any prospective shortages in the fall and to discourage any excess production during the spring months.

Analysis of the testimony and data contained in the record shows that large increases in flush season supplies constitute the principal problem in the application of the supply-demand provision. In the Cleveland market, November is usually the month of lowest producer receipts in relation to sales and May is the highest. The utilization percentages (receipts from producers divided by gross Class I sales) during May and November of recent years are compared with the normal percentages, as defined in the order, in the following tabulation:

Month	1949-51 average	Standard in order	Actual percentages		
			1951	1952	1953
May.....	165	170	167	189	192
November..	112	115	103	123	-----

It will be noted that the figures used as standard in the order are closely similar to the 1949-51 average, except

that they were adjusted upward to reflect a normal supply-demand ratio of 115 percent in November. In 1951 the supply was a little below normal in relation to sales in May and substantially short in November. In 1952 and 1953 the May supplies were far greater than normal; showing excesses of 19 and 22 percentage points, respectively. Supplies in November, 1952 were only 11 percent above normal, and part of this excess resulted from unusually favorable production conditions. It is evident that the major portion of the excess of supplies has occurred during the flush months. This trend towards spring production is also reflected in the data on production per producer. May production per producer exceeded that of the previous November by 43 percent in 1950, 49 percent in 1951, 56 percent in 1952, and 50 percent in 1953, the latter figure being lowered an estimated 4 or 5 points by the unusually good production conditions in November, 1952.

It is concluded that measures other than the supply-demand adjustment provision constitute the most effective means of dealing with the problem of seasonality of production. Accordingly, the schedule of supply-demand price adjustments should be established at the rate of 2 cents per point in all months of the year. The elimination of the 3-cent rate, to which a limit of 55 cents was applied when the oversupply or undersupply reached 18 percentage points, makes it desirable to extend the tabulation to accommodate a deviation of 21 percent with a limit of 43 cents, plus or minus. Also, the 1949-1951 seasonal pattern, adjusted only to provide a supply equal to 115 percent of Class I sales in November should be used as the standard utilization percentages. The modifications made in the expectation that the seasonality of supply would be improved should be deleted. The monthly relationship between receipts of milk from producers and Class I sales should be revised as follows:

January	123	July	147
February	127	August	135
March	137	September	127
April	150	October	123
May	173	November	115
June	168	December	119

With these modifications in the seasonal pattern of the supply-demand adjustment, the calculated reduction in the Class I differential during November and December 1952 would have been 19 cents, in January of 1953, 25 cents, February 31 cents, March and April 37 cents, and May and June, 43 cents. The 19-cent reduction for November and December is greater than the computed 13-cent reduction under Amendment No. 6, but during April, May, and June the reduction would be substantially less than the 55-cent reduction which would have resulted under the present order.

It is evident now that there has been a general oversupply of producer milk in the Cleveland market since four new country supply plants became qualified as pool plants in February and March, 1952. In addition, as described earlier, flush season production has increased relative to that in the fall. A third

source of oversupply is that Cleveland has shared the general increase in production which has occurred this past winter and spring, as shown below.

A considerable proportion of the larger than normal supply which has been general throughout the United States in recent months can be attributed to unusually favorable weather conditions and an abundance of feed. From January through October 1952, daily average receipts of milk per producer averaged about 4 percent over the same month of the previous year. The influence of the subsequent unusually favorable production conditions on the Cleveland supply is indicated by the fact that during the period November 1952 through April 1953, receipts per producer ranged from 8.5 to 12.6 percent over the same month of the previous year and averaged 11.1 percent over the previous period. Accepting 4 percent as a normal production increase the excess production attributable to unusually favorable conditions ranged from 4.5 to 8.6 percent and averaged 7.1 percent. (Total milk production in the United States averaged 6.1 percent greater during November 1952-April 1953 than in the same months of the previous year.) Except for these unusual conditions, it appears that producer receipts in Cleveland would have been 121 percent of Class I sales in November instead of 126 percent, 126 instead of 134 in December, 131 instead of 146 in February, 146 instead of 153 in March, and 160 instead of 171 in April.

These estimated utilization percentages, exclusive of the recent abnormal supplies, still reflect much larger supplies in relation to sales than is considered normal under the order. The oversupply ranged steadily upward from 6 percent in November to 10 percent in May.

Handlers and producers testified that supplies for the Cleveland market cannot be considered normal unless producer receipts are equal to 120 percent of Class I sales in November. The order now provides a normal of 115 percent. They pointed out that the Cleveland Health Department imposes unusually strict requirements on emergency sources of supply. This makes it difficult and expensive for handlers to obtain milk from any sources other than regularly inspected producers and leads them to maintain larger supplies than might otherwise be considered necessary. It was further contended that the dating of bottle caps, the adoption of every-other-day home delivery, and the discontinuance of wholesale deliveries on Sunday require larger supplies than needed to be carried before these developments occurred. Another explanation offered in support of a minimum supply of 120 percent is that the Cleveland market is not well organized for the diversion of milk supplies to the individual distributing plants where additional milk may be needed. The country supply plants are obligated to individual dealers or to a group of dealers. Most of the direct-shipped milk is similarly identified with particular handlers and thus is not readily diverted from one handler to another. There is no co-operative in a position to allocate milk

among handlers for the purpose of maintaining a maximum Class I utilization from available supplies.

Inefficiency in the allocation of supplies, as described in the preceding paragraph, would tend to be aggravated rather than remedied by a permanent raising of the normal to 120 percent. If normal was established at a higher level than the 115 percent now specified by the order, there would be a correspondingly higher Class I price differential at any given supply-demand ratio. The higher level of Class I price differentials would tend to attract to the pool supply plants whose primary interest is not that of supplying the fluid milk requirements of the market. Such plants would ship to market only the minimum supplies necessary to maintain pool plant status in the fall months. At the same time they would add their entire volume to the pool, with the net result that a comparatively large increase in total market supplies would yield only a moderate increase in the supply available for fluid use.

A second point which militates against a normal of 120 percent was dwelt upon at some length by a handler representative who testified at the hearing. He maintained that the flush season supplies in Cleveland constitute a serious problem. There is general agreement that the comparative lack of milk manufacturing facilities in the Cleveland milkshed make it unusually difficult to process the seasonal excess. Based on the 1949-51 experience, May supplies would be expected to be 173 percent of Class I sales in a year when November supplies were 115 percent but would be 180 percent to correspond to a November supply of 120 percent. In May 1952 the actual percentage was 189 and in May 1953 reached 192 percent. In view of these recent high rates of flush season supply it appears definitely undesirable to raise the level of normal supply as defined in the order. Rather, the normal for November should be kept to a minimum and every means explored of increasing the efficiency of the supply system in the market.

The only testimony directly comparing health requirements was with Toledo where, at least in the past, permits for emergency supplies were said to have been more easily obtained. However, official notice is taken of the fact that the normal supply percentage for the month of lowest production in that market calls for receipts of only 105 percent of Class I sales and this hardly supports a need for 120 percent in Cleveland. Supply-demand data were also presented for the Columbus and Dayton-Springfield, Ohio, markets. In these markets Class I (milk) and Class II (cream) must be combined to compare with Class I in Cleveland. Official notice is taken of the fact that the standard ratio of supply to Class I and Class II sales during November in Dayton-Springfield is 115 percent. In Columbus the ratio is 117.5 percent, but is computed only on Class I sales though it is designed to cover Class II requirements as well. In November 1952 a supply equal to 117.5 percent of Class I sales was equivalent to only 102 percent of the combined Class I and Class II requirements.

The proponents' basic contention that the stated Class I differentials (without the supply-demand adjustment) were necessary to compete with other markets, avoid the general payment of premiums, and assure Cleveland of adequate supplies also may be questioned under current and prospective conditions. Milk supplies are generally much more ample in relation to the demand for milk and dairy products than in the two-year period when large premiums were paid in Cleveland. Very similar supply increases have been experienced by other Ohio markets. In the fluid milk markets under Federal regulation with which Cleveland is in direct competition, supply-demand adjustments have all contributed to lower prices during recent months than a year ago. To the extent that the Class I differentials in the competitive markets continue below those of a year ago, the Cleveland differentials will not have to be maintained at the same levels as have been in effect since November 1952.

It is concluded that there is not sufficient evidence available at this time to justify the deletion of the supply-demand adjustment or a modification of the level of the normal supply. On the contrary, with modification of its seasonal effects there is every prospect that the adjustment will provide an appropriate and automatic response to changes in conditions of supply and demand.

General findings. (a) The proposed marketing agreement and the order and all of the terms and conditions thereof will tend to effectuate the declared policy of the act;

(b) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply of and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed order will regulate the handling of milk in the same manner as, and will be applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

Rulings on proposed findings and conclusions. Briefs were filed on behalf of certain producers and handlers. The briefs contained proposed findings of fact, conclusions and argument with respect to the proposals discussed at the hearing. Every point covered in the briefs was carefully considered along with the evidence in the record in making the findings and reaching the conclusions hereinbefore set forth. To the extent that such suggested findings and conclusions contained in the briefs are inconsistent with the findings and conclusions contained herein the request to make such findings or to reach such conclusions are denied on the basis of the facts found and stated in connection with the conclusions in this decision.

Recommended marketing agreement and order as amended. The following amendments to the order, as amended, are recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The proposed marketing agreement is not included because the regulatory provisions thereof would be the same as those contained in the order, as amended, and as proposed to be further amended:

1. In § 975.61 (a) (1) (ii) change the tabulated schedule of standard utilization percentages to read as follows:

Month for which the price is being computed:	Standard utilization percentage
January	117
February	121
March	125
April	132
May	144
June	162
July	170
August	160
September	141
October	131
November	125
December	110

2. In § 975.61 (a) (1) (iii) change the tabulated schedule of amounts to read as follows:

Deviation percentage:	Amount of supply-demand adjustment (cents)
+21 or over	-43
+18 or +19	-37
+15 or +16	-31
+12 or +13	-25
+9 or +10	-19
+6 or +7	-13
+3 or +4	-7
+1 or -1	0
-3 or -4	+7
-6 or -7	+13
-9 or -10	+19
-12 or -13	+25
-15 or -16	+31
-18 or -19	+37
-21 or below	+43

Filed at Washington, D. C., this 7th day of July 1953.

[SEAL]

ROY W. LENNARTSON,
Assistant Administrator.

[E. R. Doc. 53-6121; Filed, July 10, 1953; 8:47 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

[29 CFR Part 526]

APPLICATION FOR EXEMPTION OF BALING AND STORAGE OF FLAX STRAW AS INDUSTRY OF SEASONAL NATURE

NOTICE OF OPPORTUNITY TO APPLY FOR RECONSIDERATION OR TO PETITION FOR REVIEW

On October 3, 1952, the Administrator of the Wage and Hour Division gave notice that an application had been filed for a determination that the baling and storing of flax straw for use in paper making constitute an industry or branch of an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act of 1938 and regulations, Part 526, issued thereunder. A public hearing on this application was held on October 23, 1952, be-

fore William Hoffman, an authorized representative of the Administrator, who was authorized to receive evidence and hear argument for the purpose of determining: (1) Whether baling and storing of flax straw for use in paper making constitute an industry or branch of an industry of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act and Part 526, as amended, of the regulations issued thereunder, and (2) what is the scope of the industry.

Following such hearing, the representative of the Administrator duly made his findings of fact and determined as follows:

(1) There is a branch of an industry which is engaged in the receiving for storage of flax straw in the States of Minnesota, North Dakota, South Dakota, and Iowa.

(2) Storage yards engaged in storing flax straw in these States receive for storage the entire annual crop in a regularly, annually recurring period or periods of about 6 to 10 weeks during the months from August to November.

(3) The receiving for storage of flax straw in these States is a branch of an industry and is of a seasonal nature within the meaning of section 7 (b) (3) of the Fair Labor Standards Act and § 526.3 of Part 526 of the regulations issued thereunder.

(4) The portion of the application dealing with baling done on the farms is denied without prejudice to reconsideration on the basis of additional evidence.

(5) No finding can be made on the baling and receiving for storage of flax straw in the State of California.

(6) As used in this determination, the "receiving for storage of flax straw" consists of the following operations: the receiving of the bales at the storage yards; stacking the bales; rebaling of broken bales; and any operations performed at the storage yards which are necessary and incident to the foregoing.

The application is granted in accordance with the above findings.

The aforesaid findings and determination were duly filed with the Administrator on July 7, 1953, at the National Office of the Wage and Hour Division, U. S. Department of Labor Building, Fourteenth Street and Constitution Avenue NW., Washington 25, D. C., and are available for examination by all interested parties.

Notice is hereby given pursuant to §§ 526.8 and 526.9 of the regulations that any person aggrieved by the said finding may, within 15 days after the date this notice appears in the FEDERAL REGISTER, either make application to the authorized representative at the National Office of the Wage and Hour Division for reconsideration of his finding, or file a petition with the Administrator requesting that he review the action of the said representative upon the record of the hearing. Such application or petition shall set forth the grounds upon which the application for reconsideration or petition for review is based. If no application for reconsideration or petition for review is filed within the 15 days,

the findings and determination of the authorized representative of the Administrator will become final and the exemption for the industry as defined in the said findings and determination will become effective as provided in § 526.10 of the regulations.

Signed at Washington, D. C., this 8th day of July 1953.

Wm. R. McCOMB,
Administrator,
Wage and Hour Division.

[F. R. Doc. 53-6123; Filed, July 10, 1953;
8:49 a. m.]

1 29 CFR Part 704 I

LEATHER, LEATHER GOODS, AND RELATED PRODUCTS INDUSTRY IN PUERTO RICO

MINIMUM WAGE RATES

Pursuant to section 5 of the Fair Labor Standards Act of 1938, as amended, hereinafter called the act, the Administrator of the Wage and Hour Division, United States Department of Labor, by Administrative Order No. 424, dated December 22, 1952, as amended by Administrative Orders Nos. 425 and 426, dated December 30, 1952, and January 19, 1953, respectively, appointed Special Industry Committee No. 13 for Puerto Rico, hereinafter called the Committee, and directed the Committee to investigate conditions in a number of industries in Puerto Rico specified and defined in said orders, including the leather, leather goods, and related products industry in Puerto Rico, hereinafter called the industry, and to recommend minimum wage rates for employees engaged in commerce or in the production of goods for commerce in such industries.

For purposes of investigating conditions in and recommending minimum wage rates for the leather, leather goods, and related products industry in Puerto Rico, the Committee included three disinterested persons representing the public, a like number representing employers, and a like number representing employees in the industry, and was composed of residents of Puerto Rico and of the United States outside of Puerto Rico. After investigating economic and competitive conditions in the industry, the Committee filed with the Administrator a report containing its recommendations for minimum wage rates to be paid to employees in the industry who are engaged in commerce or in the production of goods for commerce.

Pursuant to notices published in the FEDERAL REGISTER and circulated to all interested persons, public hearings upon the Committee's recommendations were held before Hearing Examiner E. West Parkinson, as presiding officer, in Washington, D. C., on May 19, 1953, at which all interested parties were given an opportunity to be heard. After the hearing was closed the record of the hearing was certified to the Administrator by the presiding officer.

Upon reviewing all the evidence adduced in this proceeding and after giving consideration to the provisions of the

act, particularly sections 5 and 8 thereof, I have concluded that the recommendations of the Committee for minimum wage rates in the leather, leather goods, and related products industry, as defined, were made in accordance with law, are supported by the evidence adduced at the hearing, and, taking into consideration the same factors as are required to be considered by the Committee, will carry out the purposes of sections 5 and 8 of the act.

I have set forth my decision in a document entitled "Findings and Opinion of the Administrator in the Matter of the Recommendations of Special Industry Committee No. 13 for Minimum Wage Rates in the leather, leather goods, and related products industry in Puerto Rico" a copy of which may be had upon request addressed to the Wage and Hour Division, United States Department of Labor, Washington 25, D. C.

Accordingly, notice is hereby given, pursuant to the Administrative Procedure Act (60 Stat. 237; 5 U. S. C. 1001) and the rules of practice governing this proceeding, that I propose to approve the recommendations of the Committee for the industry, and to revise the wage order contained in this part to read as set forth below to carry such recommendations into effect. Within 15 days from publication of this notice in the FEDERAL REGISTER, interested parties may submit written exceptions. Exceptions should be addressed to the Administrator of the Wage and Hour Division, United States Department of Labor, Washington 25, D. C. They should be submitted in quadruplicate, and should include supporting reasons for any exceptions.

Sec.

704.1 Wage rates.

704.2 Notices of order.

704.3 Definitions of the leather, leather goods, and related products industry in Puerto Rico and its divisions.

AUTHORITY: §§ 704.1 to 704.3 issued under sec. 8, 63 Stat. 915; 29 U. S. C. 203. Interpret and apply sec. 5, 63 Stat. 911; 29 U. S. C. 203.

§ 704.1 *Wage rates.* (a) Wages at a rate of not less than 65 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the hide curing division of the leather, leather goods, and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(b) Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the leather tanning and processing division of the leather, leather goods, and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

(c) Wages at a rate of not less than 32 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the small leather goods, baseball and softball division of the leather, leather goods, and related products industry in Puerto

Rico who is engaged in commerce or in the production of goods for commerce.

(d) Wages at a rate of not less than 40 cents per hour shall be paid under section 6 of the Fair Labor Standards Act of 1938, as amended, by every employer to each of his employees in the general division of the leather, leather goods, and related products industry in Puerto Rico who is engaged in commerce or in the production of goods for commerce.

§ 704.2 *Notices of order* Every employer employing any employees so engaged in commerce or in the production of goods for commerce in the leather, leather goods, and related products industry in Puerto Rico shall post and keep posted in a conspicuous place in each department of his establishment where such employees are working such notices of this order as shall be prescribed from time to time by the Wage and Hour Division of the United States Department of Labor and shall give such other notice as the Division may prescribe.

§ 704.3 *Definitions of the leather, leather goods, and related products industry in Puerto Rico and its divisions.*

(a) The leather, leather goods, and related products industry in Puerto Rico, to which this part shall apply, is hereby defined as follows: The curing, tanning, or other processing of hides, skins, leather or furs and the manufacture of products therefrom; the manufacture from artificial leather, fabric, or similar materials of suitcases, brief cases, wallets, billfolds, coin purses, card cases, key cases, cigarette cases, watch straps, pouches, tie cases, toilet kits, checkbook covers, and like articles; and the manufacture of baseballs and softballs covered with leather, artificial leather, fabric or similar materials: *Provided, however,* That this definition shall not include any product or activity included in the shoe manufacturing and allied industries, the button, buckle, and jewelry industry, the needlework and fabricated textile products industry, or the men's and boys' clothing and related products industry, as defined in the wage orders for those industries in Puerto Rico (Parts 655, 686, 697, and 703 of this subchapter)

(b) The separable divisions of the industry as defined in paragraph (a) of this section to which this part and its several provisions shall apply, are hereby defined as follows:

(1) *Hide curing division.* This division consists of the salting and other curing of hides and skins and operations incidental thereto.

(2) *Leather tanning and processing division.* This division consists of the tanning or other processing of hides, skins, leather, or furs, except the activities included in the hide curing division, as defined in this section, and except the processing of such materials in the course of the fabrication of products therefrom.

(3) *Small leather goods, baseball and softball division.* This division consists of the manufacture of baseballs and softballs covered with leather, artificial leather, fabric, or similar materials; and the manufacture from leather, artificial leather, fabric or similar materials, of

wallets, billfolds, coin purses, car cases, key cases, cigarette cases, watch straps, pouches, tie cases, toilet kits and checkbook covers.

(4) *General division.* This division consists of the manufacture of belts, athletic gloves, ring binders, portfolios, brief cases, luggage and all products and activities included in the leather, leather goods, and related products industry, as defined in this section, except those included in the hide curing division, the leather tanning and processing division, and the small leather goods, baseball and softball division, as defined in this section.

Signed at Washington, D. C., this 8th day of July 1953.

WM. R. McCOMB,
Administrator
Wage and Hour Division.

[F. R. Doc. 53-6130; Filed, July 10, 1953;
8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 1]

[Docket No. 10581]

PRACTICE AND PROCEDURE

FILING AND ACTION ON APPLICATIONS FOR BROADCAST FACILITIES

In the matter of amendment of §§1.304, 1.382 and 1.387 of the Commission's rules and regulations relating to filing and action on applications for broadcast facilities; Docket No. 10581.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission proposes to amend § 1.304 of its rules to read as follows:

§ 1.304 *Contents of applications.* (a) Each application (unless otherwise directed) shall be specific with regard to frequency or frequencies, power, hours of operation, equipment, location of the station, and other information required by the application forms. An application for broadcast facilities in the standard, FM, or television bands shall be limited to one frequency and an application for radio station construction permit or license requesting alternate facilities will not be accepted.

(b) An application for a new television broadcast station shall be accompanied by a copy of a proposed notice which notice the applicant shall cause to be published at least once a week for two weeks immediately following the filing of such application in a newspaper of general circulation published in the community to which the channel in question has been assigned in the Commission's Table of Assignments. The notice shall state the channel applied for, the proposed transmitter location, the power and antenna height desired to be used, and the name of the applicant as it appears in section I of FCC Form 301. The notice shall also state that other persons desiring to apply for the channel in question must file their application with the Federal Communications Commission within 30 days from the date of

the first publication of the notice, which date shall be expressly set forth therein. After the last date of publication the applicant shall certify to the Commission that the required publication has been carried out. The provisions of this paragraph shall apply to all other applications filed for the same facilities within the specified 30 day period; and to all pending applications for television broadcast facilities, filed with the Commission prior to the effective date of this paragraph.

3. It is further proposed to amend § 1.382 to read as follows:

§ 1.382 *Grants without hearing.* (a) Where an application for aural broadcast facilities is proper upon its face and where it appears from an examination of the application and supporting data that (1) applicant is legally, technically, and financially qualified; (2) a grant of the application would not involve modification, revocation, or nonrenewal of any existing license or outstanding construction permit; (3) a grant of the application would not cause additional electrical interference to an existing station or stations for which a construction permit is outstanding within its normally protected contour as prescribed by the applicable rules and regulations; (4) a grant of the application would not preclude the grant of any mutually exclusive application; and (5) a grant of the application would be in the public interest, the Commission will grant the application without a hearing.

(b) In making its determinations pursuant to the provisions of paragraph (a) of this section, the Commission will not consider any other application as being mutually exclusive with the application under consideration unless such other application was substantially complete and was tendered for filing with the Commission not later than the close of business on the day preceding the day on which the Commission takes action with respect to the application under consideration.

(c) No action on any application for a new television broadcast station will be taken by the Commission for a period of 30 days from the date of first publication of the notice, required by § 1.304 (b) of the filing of the first application for the channel in question. If, during such 30 day period, any other competing application is filed and has remained on file, all such applications will then be considered simultaneously. If a competing application is filed after the expiration of the 30 day period, it shall be dismissed without prejudice and will be eligible for refiling only if none of the applications filed within the specified period is granted by the Commission. In the event no competing application is filed during the 30 day period and after receipt of the certification that the required publication has been carried out, the Commission will consider the original application upon its merits and will grant it without a hearing where it appears from the examination of the application and supporting data that (1) the applicant is legally, technically, and financially qualified; (2) a grant of the application would not involve modifica-

tion, revocation, or nonrenewal of any existing license or outstanding construction permit; (3) a grant of the application would be in accordance with the Commission's rules and standards governing television broadcast stations; and (4) a grant of the application would be in the public interest.

(d) Processing of applications filed with the Commission prior to the effective date of § 1.304 (b) which requires that all such applications be the subject of publication, will not be held up pending the termination of the 30 day period. Any competing application filed after the 30 day period shall be dismissed without prejudice.

4. It is also proposed to revise § 1.387 (b) (3) as follows:

(3) In the case of an application for aural broadcast facilities, any person who, prior to the time the application in question was designated for hearing, had filed with the Commission a mutually exclusive application. Any application that is mutually exclusive with another application or applications already designated for hearing will be consolidated for hearing with such other application or applications only if the application in question is filed at least 30 days before the date on which the hearing on the prior application or applications is scheduled. If the scheduled date is changed, the date last set shall govern in determining the timeliness of an application for purposes of this paragraph. If the application is filed after the 30-day period, it will be dismissed without prejudice and will be eligible for refiling only after a decision is rendered by the Commission with respect to the application or applications designated for hearing or after such applications are dismissed or removed from hearing.

5. It is also proposed to add new § 1.387 (b) (4) to read as follows:

(4) In the case of an application for television broadcast facilities, any person who had filed with the Commission a mutually exclusive application.

6. It is also proposed to redesignate present subparagraph (4) of § 1.387 (b) as (5).

7. The purpose of these revisions is to aid the Commission in the processing of applications for television broadcast facilities, to promote the early establishment of television broadcast services throughout the country, and at the same time, to insure that all persons have a fair and equal opportunity to apply for available facilities. It is believed the foregoing amendments will substantially contribute to the attainment of these goals.

8. Under the proposal herein (§ 1.382 (d)) the Commission will continue to process applications filed prior to the effective date of these amendments. Such applications, however, will be required to be the subject of publication, so that should the Commission fail to

take action within the appropriate 30 day period, the cut-off procedure here proposed will be applicable and will preclude the consideration of competing applications filed thereafter.

9. Authority for the adoption of the proposed amendment is contained in sections 1, 4 (l) 4 (j) and 303 (r) of the Communications Act of 1934, as amended.

10. Any interested party who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein may file with the Commission on or before August 10, 1953 a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action in this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or oral argument will be given.

11. In accordance with the provisions of § 1.784 of the Commission rules and regulations, an original and 14 copies of all statements, briefs, or comments shall be furnished the Commission.

Adopted: July 1, 1953.

Released: July 3, 1953.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-6148; Filed, July 10, 1953;
8:53 a. m.]

[47 CFR Part 3]

[Docket No. 10572]

RADIO BROADCAST SERVICES

ANTENNA SYSTEMS; SHOWING REQUIRED

1. It is proposed to amend § 3.33 of the Commission's rules to read as follows:

§ 3.33 *Antenna systems; showing required.* (a) An application for authority to install a broadcast antenna shall specify a definite site and include full details of the antenna design and expected performance.

(b) All data necessary to show compliance with the terms and conditions of the construction permit must be filed with the license application. If the station is using a directional antenna, a proof of performance must also be filed.

2. Section 3.33 presently provides that applications for authority to install a directional antenna shall specify a definite site. It has been the Commission's practice to accept and process applica-

tions for nondirectional stations filed on a site-to-be-determined basis. In such cases a grant has been conditioned upon the filing within 60 days of an application for modification of permit specifying a site conforming to Commission rules and standards. This latter application is then processed and if found to conform with the applicable Commission provisions, a construction permit is issued.

3. Utilization of the site-to-be-determined application thus necessitates a two-step procedure which imposes upon the Commission an increased workload; in this connection, it should be noted that a substantial percentage of the applications received by the Commission are filed on such a basis. Further, a grant of this type of application always involves basic uncertainties, since in such cases an assumption must be made that a feasible site will be available to the applicant. The revision of § 3.33 to require all applications to specify a definite site is therefore proposed for two purposes: (1) To reduce the unnecessary additional workload imposed upon the Commission at a time when its processes are already heavily taxed; and (2) to eliminate the uncertainties inherent in the original grant when the site-to-be-determined application is employed.

4. Authority for the adoption of the proposed amendment is contained in sections 4 (l) 303 (f) and 303 (r) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission, on or before August 10, 1953 a written statement or brief setting forth comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments or briefs may be filed within 10 days from the last date for filing said original comments or briefs. The Commission will consider all such comments that are submitted before taking action on this matter, and if any comments appear to warrant the holding of a hearing or oral argument, notice of the time and place of such hearing or argument will be given.

6. In accordance with the provisions of § 1.784 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: July 1, 1953.

Released: July 6, 1953.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-6147; Filed, July 10, 1953;
8:53 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Fiscal Service, Bureau of the
Public Debt

[1953 Dept. Circular 925]

2½ PERCENT-TREASURY CERTIFICATES OF
INDEBTEDNESS OF SERIES C-1954

OFFERING OF CERTIFICATES

JULY 6, 1953.

I. Offering of certificates. 1. The Secretary of the Treasury, pursuant to the authority of the Second Liberty Bond Act, as amended, invites subscriptions from the people of the United States for Tax Anticipation Certificates of Indebtedness of the United States, designated 2½ percent Treasury Certificates of Indebtedness of Series C-1954. The amount of the offering is \$5,500,000,000, or thereabouts.

II. Description of certificates. 1. The certificates will be dated July 15, 1953, and will bear interest from that date at the rate of 2½ percent per annum, payable with the principal at maturity on March 22, 1954. They will not be subject to call for redemption prior to maturity.

2. The income derived from the certificates shall be subject to all taxes, now or hereafter imposed under the Internal Revenue Code, or laws amendatory or supplementary thereto. The certificates shall be subject to estate, inheritance, gift or other excise taxes, whether Federal or State, but shall be exempt from all taxation now or hereafter imposed on the principal or interest thereof by any State, or any of the possessions of the United States, or by any local taxing authority.

3. The certificates will be acceptable to secure deposits of public moneys. They will be accepted at par plus accrued interest to maturity in payment of income and profits taxes due on March 15, 1954.

4. Bearer certificates will be issued in denominations of \$1,000, \$5,000, \$10,000, \$100,000, and \$1,000,000. The certificates will not be issued in registered form.

5. The certificates will be subject to the general regulations of the Treasury Department, now or hereafter prescribed, governing United States certificates.

III. Subscription and allotment. 1. Subscriptions will be received at the Federal Reserve Banks and Branches and at the Office of the Treasurer of the United States, Washington. Commercial banks, which for this purpose are defined as banks accepting demand deposits, may submit subscriptions for account of customers, but only the Federal Reserve Banks and the Treasury Department are authorized to act as official agencies. Others than commercial banks will not be permitted to enter subscriptions except for their own account. Subscriptions from commercial banks for their own account will be received without deposit. Subscriptions from all others must be accompanied by

payment of 10 percent of the amount of certificates applied for.

2. The Secretary of the Treasury reserves the right to reject any subscription, in whole or in part, to allot less than the amount of certificates applied for, and to close the books as to any or all subscriptions at any time without notice; and any action he may take in these respects shall be final. Subject to these reservations, subscriptions for amounts up to and including \$100,000 will be allotted in full, and subscriptions for amounts over \$100,000 will be allotted on an equal percentage basis to be publicly announced when allotments are made, but not less than \$100,000 on any one subscription. Allotment notices will be sent out promptly upon allotment.

IV. Payment. 1. Payment at par and accrued interest, if any, for certificates allotted hereunder must be made on or before July 15, 1953, or on later allotment. In every case where payment is not so completed, the payment with application up to 10 percent of the amount of certificates applied for shall, upon declaration made by the Secretary of the Treasury in his discretion, be forfeited to the United States. Any qualified depository will be permitted to make payment by credit for certificates allotted to it for itself and its customers up to any amount for which it shall be qualified in excess of existing deposits, when so notified by the Federal Reserve Bank of its District.

V General provisions. 1. As fiscal agents of the United States, Federal Reserve Banks are authorized and requested to receive subscriptions, to make allotments on the basis and up to the amounts indicated by the Secretary of the Treasury to the Federal Reserve Banks of the respective Districts, to issue allotment notices, to receive payment for certificates allotted, to make delivery of certificates on full-paid subscriptions allotted, and they may issue interim receipts pending delivery of the definitive certificates.

2. The Secretary of the Treasury may at any time, or from time to time, prescribe supplemental or amendatory rules and regulations governing the offering, which will be communicated promptly to the Federal Reserve Banks.

[SEAL]

G. M. HUMPHREY,
Secretary of the Treasury.[F. R. Doc. 53-6119; Filed, July 10, 1953;
8:46 a. m.]

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

[No. 9, Amdt. 2]

TUCUMCARI IRRIGATION PROJECT, NEW
MEXICOANNOUNCEMENT OF ANNUAL WATER RENTAL
CHARGES

JUNE 30, 1953.

1. *Water rental Pursuant to Article 10 of the contract of December 27, 1938,*

irrigation water will be furnished, when available, upon a rental basis during the irrigation season of 1953, where the progress of construction will permit, to the irrigable lands in the Arch Hurley Conservancy District described below:

Entire project irrigable area embracing all units from 1 through 7—Water to be furnished beginning about April 1, 1953.

Irrigable lands shall be as designated by the Secretary under date of October 5, 1951, and described in detail in the "Tabulation of Irrigable Areas" dated January 2, 1951. Any qualified water user wishing to ascertain the irrigability of any tract of land may do so by examining copies of this designation in the office of the Arch Hurley Conservancy District.

2. Charges and terms of payment. (a) The minimum water rental charge for irrigable land within the boundaries of the Arch Hurley Conservancy District, as above described, shall be \$3.75 per irrigable acre, payment of which will entitle the water user to one acre-foot of water per irrigable acre, or so much thereof as may be available in the event of pro-ration. Additional water will be furnished during the irrigation season, if available, at the rate of \$2.00 per acre-foot. In the event applications received are for an amount of water in excess of the available supply all deliveries will be subject to pro-ration to the extent deemed necessary.

(b) All charges shall be payable by the water users to the District in advance of the delivery of water. Minimum water rental charges payable to the District for irrigable lands which do not apply for water shall be due on or before June 1, 1953. Payment of all receipts shall be made by the District to the United States on or before December 1, 1953.

3. Water will be delivered and measured by Government forces at the nearest measuring device to the individual farm.

4. The District will request water delivery for, and certify to the United States as entitled to receive water, only such lands as are owned or are held under contract of purchase by persons duly qualified to receive water under the terms of the Reclamation Act of June 17, 1902 (32 Stat. 388) and acts of Congress supplementary thereto or amendatory thereof, and who have duly complied with the requirements of the contract of December 27, 1938, between the United States and the District, including:

(a) The execution and delivery of the recordable contract as provided for in Article 30 (b) of said contract;

(b) The execution and delivery of the valid recordable contract, in case of ownership of excess land, as provided for in Articles 30 (a) and 32 of said contracts.

5. Individual applications for water on forms approved by the United States and the payments required by this announcement will be received at the office of the Secretary of the Arch Hurley

Conservancy District, Tucumcari, New Mexico. Requests by the District for water for such lands as are entitled to receive water and payments by the District to the United States will be received at the office of the Bureau of Reclamation, Tucumcari, New Mexico.

6. The above water rental procedure will be followed since it has been determined that it is factually impossible, in view of the provision for construction of distribution works by the United States under the contract with the Arch Hurley Conservancy District dated December 27, 1938, to make water available for irrigation use during the season 1953 as contemplated in Article 8 of the contract.

H. E. ROBBINS,
Regional Director.

[F. R. Doc. 53-6111; Filed, July 10, 1953;
8:45 a. m.]

Fish and Wildlife Service

WHEELER MIGRATORY WATERFOWL REFUGE, ALABAMA

LAND PROPOSED FOR EXCLUSION; AGREEMENT BETWEEN TENNESSEE VALLEY AUTHORITY AND FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

CROSS REFERENCE: For proposed exclusion of land from Wheeler Migratory Waterfowl Refuge, Alabama, see agreement between Tennessee Valley Authority and Fish and Wildlife Service, Department of the Interior, F. R. Doc 53-6145, *infra*.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

[Administrative Order 4214]

ALLOCATION OF FUNDS FOR LOANS

MAY 27, 1953.

I hereby amend:

(a) Administrative Order No. 2395, dated December 12, 1949, by reducing the loan of \$586,000 therein made for "Utah 10D Iron" by \$502,200 so that the reduced loan shall be \$83,800; and

(b) Administrative Order No. 978, dated October 30, 1945, by reducing the allocation of \$370,000 therein made for "Washington 42C Clallam District Public" by \$169,475.78 so that the reduced allocation shall be \$200,524.22;

(c) Administrative Order No. 1506, dated May 4, 1948, by rescinding the allocation of \$68,000 therein made for "Washington 42D Clallam District Public" and

(d) Administrative Order No. 2656, dated May 8, 1950, by reducing the loan of \$545,000 therein made for "Washington 42E Clallam District Public" by \$510,310.85 so that the reduced loan shall be \$34,689.15.

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 53-6156; Filed, July 10, 1953;
8:54 a. m.]

[Administrative Order 4215]

MICHIGAN

LOAN ANNOUNCEMENT

MAY 27, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Michigan 28AB Presque Isle.....	\$250,000

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 53-6157; Filed, July 10, 1953;
8:54 a. m.]

[Administrative Order 4216]

ALLOCATION OF FUNDS FOR LOANS

MAY 28, 1953.

I hereby amend:

(a) Administrative Order No. 1972, dated April 1, 1949, by reducing the loan of \$330,000 therein made for "Georgia 78G Habersham" by \$84,179.09 so that the reduced loan shall be \$245,820.91.

[SEAL] WM. C. WISE,
Acting Administrator.

[F. R. Doc. 53-6158; Filed, July 10, 1953;
8:55 a. m.]

[Administrative Order 4217]

MINNESOTA

LOAN ANNOUNCEMENT

JUNE 1, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Minnesota 53V Waseca.....	\$440,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 53-6159; Filed, July 10, 1953;
8:55 a. m.]

[Administrative Order 4218]

WASHINGTON

LOAN ANNOUNCEMENT

JUNE 1, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Washington 46F Ferry District Public.....	\$345,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 53-6160; Filed, July 10, 1953;
8:55 a. m.]

[Administrative Order 4219]

SOUTH CAROLINA

LOAN ANNOUNCEMENT

JUNE 1, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
South Carolina 3TT Lexington...	\$165,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 53-6161; Filed, July 10, 1953;
8:55 a. m.]

[Administrative Order 4220]

IOWA

LOAN ANNOUNCEMENT

JUNE 1, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Iowa 7L Marshall.....	\$242,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 53-6162; Filed, July 10, 1953;
8:55 a. m.]

[Administrative Order 4221]

NEBRASKA

LOAN ANNOUNCEMENT

JUNE 1, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation:	Amount
Nebraska 64K York District Public.....	\$410,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 53-6163; Filed, July 10, 1953;
8:55 a. m.]

[Administrative Order 4222]

NEBRASKA

LOAN ANNOUNCEMENT

JUNE 1, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

NOTICES

Loan designation: *Amount*
Nebraska 99B Sheridan District
Public ----- \$550,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 53-6164; Filed, July 10, 1953;
8:56 a. m.]

[Administrative Order 4223]

PENNSYLVANIA

LOAN ANNOUNCEMENT

JUNE 1, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Pennsylvania 19N Warren----- \$285,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 53-6165; Filed, July 10, 1953;
8:56 a. m.]

[Administrative Order 4224]

OKLAHOMA

LOAN ANNOUNCEMENT

JUNE 1, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Oklahoma 19 V Craig----- \$875,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 53-6166; Filed, July 10, 1953;
8:56 a. m.]

[Administrative Order 4225]

KENTUCKY

LOAN ANNOUNCEMENT

JUNE 5, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Kentucky 27T Boyle----- \$50,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 53-6167; Filed, July 10, 1953;
8:56 a. m.]

[Administrative Order 4226]

ARKANSAS

LOAN ANNOUNCEMENT

JUNE 5, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a

loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Arkansas 21 AB Lincoln----- \$50,000

[SEAL] ANCHER NELSEN,
Administrator

[F. R. Doc. 53-6168; Filed, July 10, 1953;
8:56 a. m.]

[Administrative Order 4227]

TEXAS

LOAN ANNOUNCEMENT

JUNE 5, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Texas 80 X Collingsworth----- \$75,000

[SEAL] ANCHER NELSEN,
Administrator

[F. R. Doc. 53-6169; Filed, July 10, 1953;
8:56 a. m.]

[Administrative Order 4228]

KENTUCKY

LOAN ANNOUNCEMENT

JUNE 5, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Kentucky 61C Carter----- \$50,000

[SEAL] ANCHER NELSEN,
Administrator

[F. R. Doc. 53-6170; Filed, July 10, 1953;
8:56 a. m.]

[Administrative Order 4229]

PENNSYLVANIA

LOAN ANNOUNCEMENT

JUNE 5, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Pennsylvania 25M Adams----- \$500,000

[SEAL] ANCHER NELSEN,
Administrator

[F. R. Doc. 53-6171; Filed, July 10, 1953;
8:57 a. m.]

[Administrative Order 4230]

TEXAS

LOAN ANNOUNCEMENT

JUNE 5, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Texas 72 P Lamar----- \$212,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 53-6172; Filed, July 10, 1953;
8:57 a. m.]

[Administrative Order 4231]

SOUTH DAKOTA

LOAN ANNOUNCEMENT

JUNE 5, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
South Dakota 42O Lyman----- \$940,000

[SEAL] ANCHER NELSEN,
Administrator

[F. R. Doc. 53-6173; Filed, July 10, 1953;
8:57 a. m.]

[Administrative Order 4232]

TENNESSEE

LOAN ANNOUNCEMENT

JUNE 5, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: *Amount*
Tennessee 35F Marion----- \$610,000

[SEAL] ANCHER NELSEN,
Administrator

[F. R. Doc. 53-6174; Filed, July 10, 1953;
8:57 a. m.]

[Administrative Order 4233]

OHIO

LOAN ANNOUNCEMENT

JUNE 5, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
Ohio 65U Fairfield..... \$240,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 53-6175; Filed, July 10, 1953;
8:57 a. m.]

[Administrative Order 4234]

MINNESOTA

LOAN ANNOUNCEMENT

JUNE 5, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
Minnesota 54H Faribault..... \$162,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 53-6176; Filed, July 10, 1953;
8:57 a. m.]

[Administrative Order 4235]

NORTH CAROLINA

LOAN ANNOUNCEMENT

JUNE 9, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
North Carolina 46W Madison.... \$70,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 53-6177; Filed, July 10, 1953;
8:57 a. m.]

[Administrative Order 4236]

NORTH DAKOTA

LOAN ANNOUNCEMENT

JUNE 9, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
North Dakota 30F Steele..... \$160,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 53-6178; Filed, July 10, 1953;
8:58 a. m.]

[Administrative Order 4237]

ALLOCATION OF FUNDS FOR LOANS

JUNE 10, 1953.

I hereby amend:

(a) Administrative Order No. 846, dated July 1, 1944, by reducing the allocation of \$24,500 therein made for "South Carolina 5-4043S4 York" by \$1,-

292.55 so that the reduced allocation shall be \$23,207.45.

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 53-6179; Filed, July 10, 1953;
8:58 a. m.]

[Administrative Order 4238]

ALLOCATION OF FUNDS FOR LOANS

JUNE 11, 1953.

I hereby amend:

(a) Administrative Order No. 826, dated March 17, 1945, by reducing the allocation of \$3,000 therein made for "Virginia 5046S2 Crewe" by \$604.06 so that the reduced allocation shall be \$2,395.94; and

(b) Administrative Order No. 914, dated June 14, 1945, by reducing the allocation of \$52,000 therein made for "Virginia 5-4604S1 Lunenburg" by \$445.22 so that the reduced allocation shall be \$51,554.78.

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 53-6180; Filed, July 10, 1953;
8:58 a. m.]

[Administrative Order 4239]

ALLOCATION OF FUNDS FOR LOANS

JUNE 11, 1953.

I hereby amend:

(a) Administrative Order No. 1533, dated June 8, 1948, by rescinding the allocation of \$780,000 therein made for "Texas 148A South"

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 53-6181; Filed, July 10, 1953;
8:58 a. m.]

[Administrative Order 4240]

ALLOCATION OF FUNDS FOR LOANS

JUNE 11, 1953.

I hereby amend:

(a) Administrative Order No. 553, dated January 16, 1941, by reducing the allocation of \$150,000 therein made for "Tennessee 1043A1 Newport Public" by \$1,430.89 so that the reduced allocation shall be \$148,569.11.

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 53-6182; Filed, July 10, 1953;
8:58 a. m.]

[Administrative Order 4241]

ALLOCATION OF FUNDS FOR LOANS

JUNE 11, 1953.

I hereby amend:

(a) Administrative Order No. 1363, dated October 21, 1947, by reducing the allocation of \$12,000 therein made for "Alabama 41B Clarke" by \$2,205.20 so that the reduced allocation shall be \$9,794.80; and

(b) Administrative Order No. 851, dated August 8, 1944, by rescinding the

allocation of \$25,000 therein made for "Alabama 5045S1 Escambia"

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 53-6183; Filed, July 10, 1953;
8:58 a. m.]

[Administrative Order 4242]

NEW MEXICO

LOAN ANNOUNCEMENT

JUNE 11, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
New Mexico 25 L Luna..... \$100,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 53-6184; Filed, July 10, 1953;
8:59 a. m.]

[Administrative Order 4243]

ARKANSAS

LOAN ANNOUNCEMENT

JUNE 11, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
Arkansas 21 AA Lincoln..... \$1,000,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 53-6185; Filed, July 10, 1953;
8:59 a. m.]

[Administrative Order 4244]

WISCONSIN

LOAN ANNOUNCEMENT

JUNE 11, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
Wisconsin 16R Douglas..... \$237,000

[SEAL] ANCHER NELSEN,
Administrator.

[F. R. Doc. 53-6186; Filed, July 10, 1953;
8:59 a. m.]

[Administrative Order 4245]

TENNESSEE

LOAN ANNOUNCEMENT

JUNE 11, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following des-

ignation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
Tennessee 39G Lincoln..... \$625,000

[SEAL] ANCHER NELSEN,
Administrator

[F. R. Doc. 53-6187; Filed, July 10, 1953;
8:59 a. m.]

[Administrative Order 4246]

MONTANA

LOAN ANNOUNCEMENT

JUNE 11, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
Montana 9T Yellowstone..... \$270,000

[SEAL] ANCHER NELSEN,
Administrator

[F. R. Doc. 53-6188; Filed, July 10, 1953;
8:59 a. m.]

[Administrative Order 4247]

SOUTH DAKOTA

LOAN ANNOUNCEMENT

JUNE 11, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
South Dakota 19H Turner..... \$410,000

[SEAL] ANCHER NELSEN,
Administrator

[F. R. Doc. 53-6189; Filed, July 10, 1953;
8:59 a. m.]

[Administrative Order 4248]

NORTH CAROLINA

LOAN ANNOUNCEMENT

JUNE 11, 1953.

Pursuant to the provisions of the Rural Electrification Act of 1936, as amended, a loan contract bearing the following designation has been signed on behalf of the Government acting through the Administrator of the Rural Electrification Administration:

Loan designation: Amount
North Carolina 31S Halifax..... \$20,000

[SEAL] ANCHER NELSEN,
Administrator

[F. R. Doc. 53-6190; Filed, July 10, 1953;
8:59 a. m.]

[Administrative Order 4269]

ALLOCATION OF FUNDS FOR LOANS

JUNE 16, 1953.

I hereby amend:

(a) Administrative Order No. 756, dated May 25, 1943, by reducing the allocation of \$640,000 therein made for "North Carolina 3-2043G6 Jones" by \$4,449.70 so that the reduced allocation shall be \$635,550.30.

[SEAL]

WM. C. WISE,
Acting Administrator.

[F. R. Doc. 53-6191; Filed, July 10, 1953;
8:59 a. m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

ISSUANCE TO VARIOUS INDUSTRIES

Notice is hereby given that pursuant to section 34 of the Fair Labor Standards Act of 1938, as amended (52 Stat. 1068, as amended; 29 U. S. C. and Sup. 214) and Part 522 of the regulations issued thereunder (29 CFR Part 522) special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates applicable under section 6 of the act have been issued to the firms listed below. The employment of learners under these certificates is limited to the terms and conditions therein contained and is subject to the provisions of Part 522. The effective and expiration dates, occupations, wage rates, number or proportion of learners, and learning period for certificates issued under the general learner regulations (§§ 522.1 to 522.14) are as indicated below: conditions provided in certificates issued under special industry regulations are as established in these regulations.

Single Pants, Shirts and Allied Garments, Women's Apparel, Sportswear and Other Odd Outerwear, Rainwear, Robes and Leather and Sheep-Lined Garments—Divisions of the Apparel Industry Learner Regulations (29 CFR 522.160 to 522.166, as amended December 31, 1951, 16 F. R. 12043, and June 2, 1952; 17 F. R. 3818)

Best Maid Apparel Co., 527 Main Street, Moosic, Pa., effective 7-3-53 to 7-2-54; 5 learners (children's dresses).

Connellsville Sportswear Co., South First Street, Connellsville, Pa., effective 7-10-53 to 7-9-54; 10 percent of factory production workers (men's and boys' pants).

E & W Garments, Inc., 1622 Washington Street, Vicksburg, Miss., effective 7-7-53 to 7-6-54; 10 percent of the factory production workers. This certificate does not authorize the employment of learners at subminimum wage rates in the manufacture of skirts (cotton dresses; denim Gabardine sportswear).

Charles W. Henson Garment Manufacturing Co., Inc., Lawrenceville, Ga., effective 7-1-53 to 6-30-54; 10 percent of the factory production workers (work pants and work shirts).

Hollywood Corset Co., North Faulk Street, Athens, Tex., effective 7-16-53 to 7-15-54; 10 percent of the factory production workers (brassieres).

J and B Sportswear Co., Maple Street, Tresckow, Pa., effective 6-30-53 to 6-29-54;

5 learners (women's and children's sportswear).

Kar-Lyn Corporation, 162 Cox Avenue, Asheville, N. C., effective 7-3-53 to 1-2-54; 25 learners for expansion purposes (boys' juvenile clothes).

Koppel Fashions, Inc., 405 South Main Street, Taylor, Pa., effective 7-16-53 to 7-16-54; 10 learners (dresses).

Linden Apparel Corp., Linden, Tenn., effective 7-3-53 to 1-2-54; 50 learners for expansion purposes (dungarees).

The Londontown Manufacturing Co., 1101 East Twenty-fifth Street, Baltimore, Md., effective 7-11-53 to 7-10-54; 5 learners, in the production of raincoats only (men's raincoats, topcoats, sport coats).

Madison Manufacturing Co., Inc., Route 29, Madison Heights, Va., effective 7-21-53 to 7-20-54; 10 learners (maids', nurses' and waitresses' uniforms).

Toby Manufacturing Co., Inc., 620-26 Franklin Avenue, Essex, Baltimore, Md., effective 7-3-53 to 7-2-54; 10 percent of the factory production workers (work pants).

Cigar Industry Learner Regulations (29 CFR 522.201 to 522.211, as amended October 27, 1952; 17 F. R. 8633)

General Cigar Co., Inc., Robert Burns Drive, Phillipsburg, Pa., effective 7-5-53 to 10-4-53; 50 learners for expansion purposes. Cigar making operating, 320 hours; cigar packing, cigars retailing for 6 cents or less, 160 hours; machine stripping, 160 hours. Each at 65 cents per hour.

Hosiery Industry Learner Regulations (29 CFR 522.40 to 522.51, as revised November 19, 1951, 16 F. R. 10733)

Texas Knitting Mills, Inc., Mineral Wells, Tex., effective 7-9-53 to 7-8-54; 5 learners.

Wrenn Hosiery Co., 115 Liberty Drive, Thomasville, N. C., effective 7-18-53 to 7-17-54; 5 percent of the total number of factory production workers (not including office and sales personnel).

Knitted Wear Industry Learner Regulations (29 CFR 522.68 to 522.79, as amended January 21, 1952; 16 F. R. 12866)

Rockwood Undergarment Co., Inc., Hyndman Division, Hyndman, Pa., effective 7-7-53 to 7-6-54; 5 learners for normal labor turnover purposes (ladies' undergarments).

Rockwood Undergarment Co., Inc., Hyndman Division, Hyndman, Pa., effective 7-7-53 to 1-6-54; 12 learners for expansion purposes (ladies' undergarments).

Strutwear, Inc., Clarksdale, Miss., effective 7-8-53 to 1-7-54; 10 learners for expansion purposes (ladies' slips and panties made from purchased knit fabrics).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.14)

Sparta Pipes, Inc., Sparta, N. C., effective 7-18-53 to 1-17-54; 10 percent of the total factory production force (not including office or sales personnel); pipe maker, 240 hours, at 65 cents per hour (smoking pipes).

Each certificate has been issued upon the employer's representation that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be cancelled in the manner provided in the regulations and as indicated in the certificates. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in

the FEDERAL REGISTER pursuant to the provisions of Part 522.

Signed at Washington, D. C., this 6th day of July 1953.

MILTON BROOKE,
*Authorized Representative
of the Administrator*

[F. R. Doc. 53-6131; Filed, July 10, 1953;
8:50 a. m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket Nos. 8258, 8753]

TEXAS STAR BROADCASTING CO. AND KTRH
BROADCASTING CO. (KTRH)

ORDER CONTINUING HEARING

In re applications of Roy Hofheinz and W. N. Hooper, d/b as Texas Star Broadcasting Company, Dallas, Texas, Docket No. 8258, File No. BP-5820; KTRH Broadcasting Company (KTRH) Houston, Texas, Docket No. 8753, File No. BP-6525; for construction permits.

The Commission having under consideration a joint petition filed on June 23, 1953, on behalf of KTRH Broadcasting Company, an applicant, and Democrat Printing Company, intervenor, in the above-entitled proceeding, requesting that the further hearing in the said proceeding, now scheduled to commence in Washington, D. C., on July 1, 1953, be postponed until October 1, 1953, in order to allow a sufficient period of time for this Commission to take action upon a pending petition to enlarge the issues therein, filed on behalf of Democrat Printing Company, prior to the commencement of the said further hearing; and

It appearing, that Roy Hofheinz, a partner in the Texas Star Broadcasting Company, has consented to the postponement requested herein; and

It further appearing, that on June 25, 1953, the Chief of the Broadcast Bureau of this Commission filed an answer to the above petition in which it was stated that this party does not oppose a continuance of the above proceeding in view of the pendency of the said petition to enlarge the issues but proposed that the hearing should be postponed without date rather than until October 1, 1953, in order to afford the Examiner the desired flexibility to reschedule the hearing at a reasonable time after action is taken on the said petition; and

It further appearing, that a postponement of the character proposed in the said answer by the Chief of the Broadcast Bureau appears to be appropriate in view of the fact that it is impossible to predict at this time the date on which the Commission may act on the said petition to enlarge the issues; and

It further appearing, that all of the parties to the above-entitled proceeding have implicitly waived the requirements of § 1.745 of the Commission's rules relating to the timely filing of petitions;

It is ordered, This 26th day of June 1953, that the petition under consideration be, and it is hereby, granted in part, and that the hearing in the above-

entitled proceeding is hereby continued without date.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-6133; Filed, July 10, 1953;
8:51 a. m.]

[Docket Nos. 10537, 10538]

SOUTHERN BELL TELEPHONE AND TELE-
GRAPH CO. AND MOBILE MARINE RADIO

ORDER CONTINUING HEARING

In the matter of Southern Bell Telephone and Telegraph Company, Mobile, Alabama, Docket No. 10537, File Nos. 11323/11324, 11325-F6-P-D; applications for construction permits for Public Class III-B coastal and receiver test stations; J. L. Dezauche, Jr. and R. A. Gartman, d/b as Mobile Marine Radio, Mobile, Alabama, Docket No. 10538, File Nos. 19167-F1-P-C, 19168-F1-ML-C; applications for construction permit and license for Public Class III-B coastal station.

The Commission having before it a motion, filed June 29, 1953, by the Acting Chief of the Commission's Common Carrier Bureau, that the hearing herein, now scheduled for July 6, 1953, be postponed indefinitely for the reasons stated in the motion; and

It appearing, that both parties to the proceeding have consented to the postponement and have given their consent to a waiver of the provisions of § 1.745 of the Commission's rules:

It is ordered, This 2d day of July 1953, that the hearing herein is postponed indefinitely, subject to a future order scheduling a specific date for hearing.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-6141; Filed, July 10, 1953;
8:53 a. m.]

[Docket No. 10569]

SYRACUSE BROADCASTING CORP. (WNDR
AND WNDR-FM)

ORDER DESIGNATING APPLICATIONS FOR HEARING ON STATED ISSUES

In re applications of Syracuse Broadcasting Corporation (WNDR and WNDR-FM), Syracuse, New York, Docket No. 10569, File Nos. BR-1501 and BRH-91, for renewal of licenses.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 25th day of June 1953;

The Commission having under consideration the above-entitled applications of Syracuse Broadcasting Corporation (hereinafter referred to as Syracuse) for renewal of the licenses of Stations WNDR and WNDR-FM, Syracuse, New York; and

It appearing, that, pursuant to section 309 (b) of the Communications Act of

1934, as amended, the above-entitled applicant was advised that serious questions exist relating to a possible delegation by Syracuse of its exclusive rights and responsibilities to individuals unknown to the Commission, in contravention of the statutory principle of licensee responsibility, and in violation of sections 301 and 310 (b) of the Communications Act of 1934, as amended; the discontinuance of broadcast operations of Station WNDR-FM; and the question of misrepresentation to and concealment from the Commission of material facts relative to the foregoing; the Commission raised no question of licensee's programming; and

It further appearing, that, on the basis of the facts contained in the aforementioned correspondence, Syracuse's reply thereto, and information obtained by the Commission in its independent investigation of the matter, the Commission is unable, because of the questions set out above, to conclude that a grant of the renewal of the licenses of Stations WNDR and WNDR-FM would serve the public interest, convenience and necessity; and

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications be designated for hearing to be held at Syracuse, New York, at a date to be determined, on the following issues:

1. To determine the circumstances surrounding the unauthorized discontinuance of broadcast operations of WNDR-FM and the reasons for such discontinuance;

2. To obtain full information with respect to all negotiations, contracts, agreements, or understandings, past or present, written or oral, between Martin Karig, Hyman E. Mintz, Arthur C. Kyle, Jr., Arthur Cooper, and Nelson L. Kidd on the one hand, collectively or individually, and T. Frank Dolan, Jr., Joseph Pietrafesa, Laurence Sovik, John D. Wilson, Jerome M. Wilson, and Sydney Blocksidge on the other hand, collectively or individually, relating to the sale, assignment or transfer of any of the stock of Syracuse, with particular reference to the agreement of October 22, 1948, wherein, inter alia, the stockholders of licensee agreed to sell 100 percent of the stock to Messrs. Karig, et al.,

3. To determine whether the execution of the agreement of October 22, 1948, and the amendments thereto executed at a subsequent date, and any other contracts, agreements or understandings, if any, referred to in Issue Number 2, the terms thereof, or any act performed pursuant thereto, were in violation of section 310 (b) of the Communications Act of 1934, as amended, or in violation of the rules and regulations of the Commission, with particular reference to §§ 1.321, 1.342 and 1.343 of said rules and regulations;

4. To obtain full information as to the method or methods of financing the operation of Stations WNDR and WNDR-FM from October 22, 1948, to date, and the sources of such financing, and to determine the disposition of such funds by Syracuse;

5. To determine the authority and control exercised by Messrs. Karig, Cooper, Mintz, Kidd, and Arthur C. Kyle, Jr., from October 22, 1948, to-date, with particular reference to the extent and method of participation, if any, by these individuals in the affairs, formation of policies, financing, control and operation of Stations WNDR and WNDR-FM, and to determine whether Syracuse has, at any time since October 22, 1948, been controlled or operated by individuals who have not been authorized to operate or control Syracuse, in violation of sections 301 and 310 (b) of the Communications Act of 1934, as amended;

6. To determine the disposition, since October 22, 1948, of income received from the operation of Stations WNDR and WNDR-FM, and the manner and authority for such disposition;

7. To obtain full information as to the authority and control exercised by Messrs. T. Frank Dolan, Jr., Joseph Pietrafesa, Jerome M. Wilson, Laurence Sovik, John D. Wilson, and Sydney Blockside from October 22, 1948, to date;

8. To determine whether Syracuse, its officers, Directors, stockholders or agents have concealed information from the Commission regarding the ownership, operation, management and control of Syracuse, or have misrepresented the facts concerning such ownership, operation, management and control in applications, reports and letters which they have from time to time filed with the Commission, with particular reference to the following:

(a) Whether Syracuse, its officers, stockholders, Directors and agents concealed or misrepresented the execution of the amendments to the October 22, 1948, agreement;

(b) Whether Syracuse, its officers, directors and stockholders concealed or misrepresented the facts relative to transfer of the controlling stock interest in Syracuse to individuals unknown to the Commission.

9. To determine whether, in the light of the evidence adduced under the foregoing issues, the public interest, convenience and necessity would be served by grant of the above-entitled applications for renewal of the licenses of Stations WNDR and WNDR-FM.

Released: July 2, 1953.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-6134; Filed, July 10, 1953;
8:51 a. m.]

[Docket Nos. 10573, 10574]

MONTGOMERY BROADCASTING CO., INC., AND
ALABAMA TELEVISION CO.

ORDER DESIGNATING APPLICATIONS FOR CON-
SOLIDATED HEARING ON STATED ISSUES

In re applications of Montgomery
Broadcasting Company, Incorporated,
Montgomery, Alabama, Docket No. 10573,
File No. BPCT-670; William E. Benns,

Jr., d/b as Alabama Television Company,
Montgomery, Alabama, Docket No. 10574,
File No. BPCT-1055; for construction
permits for new television stations.

At a session of the Federal Communi-
cations Commission held at its offices in
Washington, D. C., on the 1st day of
July 1953;

The Commission having under con-
sideration the above-entitled applica-
tions, each requesting a construction
permit for a new television broadcast
station to operate on Channel 12 in
Montgomery, Alabama; and

It appearing, that the above-entitled
applications are mutually exclusive in
that operation by more than one appli-
cant would result in mutually destructive
interference; and

It further appearing, that pursuant to
section 309 (b) of the Communications
Act of 1934, as amended, the above-
named applicants were advised by letters
dated August 28, 1952, that their appli-
cations were mutually exclusive and
that a hearing would be necessary; that
Montgomery Broadcasting Company,
Incorporated, was advised by a letter
dated June 4, 1953, that certain questions
were raised as a result of deficiencies of
a legal, financial and technical nature
in its application; and that Alabama
Television Company was advised by a
letter dated June 4, 1953, that certain
questions were raised as a result of defi-
ciencies of a financial and technical na-
ture in its application, that a question
was raised as to whether its proposal
would meet the requirements of the
Commission's rules and that the question
of whether its proposed antenna system
and site would constitute a hazard to
air navigation was unresolved; and

It further appearing, that upon due
consideration of the above-entitled ap-
plications, the amendments filed thereto,
and the replies to the above letters, the
Commission finds that under section 309
(b) of the Communications Act of 1934,
as amended, a hearing is mandatory;
that Montgomery Broadcasting Com-
pany, Incorporated, is legally and
financially qualified to construct, own
and operate a television broadcast sta-
tion, and is technically qualified except
as to the matter referred to in issue "1"
below; and that Alabama Television
Company is legally qualified to construct,
own and operate a television broadcast
station, and is technically qualified ex-
cept as to the matter referred to in issue
"2" below.

It is ordered, That, pursuant to section
309 (b) of the Communications Act of
1934, as amended, the above-entitled
applications are designated for hear-
ing in a consolidated proceeding to com-
mence at 9:00 a. m. on July 31, 1953,
in Washington, D. C., upon the following
issues:

1. To determine the elevation of the
electrical center of the antenna system
proposed by Montgomery Broadcasting
Company and the effect thereof on the
calculated antenna height above aver-
age terrain.

2. To determine the gain and power
distribution of the antenna system pro-
posed by the Alabama Television Com-
pany and the effect thereof on the cal-
culated effective radiated power.

3. To determine whether Alabama
Television Company is financially quali-
fied to construct, own and operate the
proposed television broadcast station.

4. To determine whether the main
studio site proposed by Alabama Tele-
vision Company in its above-entitled
application is in accordance with the
requirements of § 3.613 of the Commis-
sion's rules.

5. To determine on a comparative
basis which of the operations proposed
in the above-entitled applications would
better serve the public interest, conven-
ience and necessity in the light of the
record made with respect to the signifi-
cant differences between the applications
as to:

a. The background and experience of
each of the above-named applicants
having a bearing on its ability to own
and operate the proposed television
station.

b. The proposals of each of the above-
named applicants with respect to the
management and operation of the pro-
posed station.

c. The programming service proposed
in each of the above-entitled applica-
tions.

Released: July 3, 1953.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-6135; Filed, July 10, 1953;
8:51 a. m.]

[Docket Nos. 10575, 10576]

SOUTHERN BROADCASTING CO., INC., AND
SOUTHERN ENTERPRISES

ORDER DESIGNATING APPLICATIONS FOR
CONSOLIDATED HEARING ON STATED ISSUES

In re applications of Southern Broad-
casting Co., Inc., Montgomery, Ala-
bama, Docket No. 10575, File No.
BPCT-683; Woodley C. Campbell; Al-
bert David Capeloto; Charles A. Casmus,
Jr., Grace F. Casmus; Dorothy Schafer
Casmus; John Randolph Penton, Jr.,
George Blue Penton; and Felix Robin-
son, Jr., tr/as Southern Enterprises,
Montgomery, Alabama, Docket No.
10576, File No. BPCT-1051, for con-
struction permits for new television sta-
tions.

At a session of the Federal Communi-
cations Commission held at its offices in
Washington, D. C., on the 1st day of July
1953;

The Commission having under con-
sideration the above-entitled applica-
tions, each requesting a construction
permit for a new television broadcast
station to operate on Channel 32 in
Montgomery, Alabama, and

It appearing, that the above-entitled
applications are mutually exclusive in
that operation by more than one appli-
cant would result in mutually destructive
interference; and

It further appearing, that pursuant to
section 309 (b) of the Communications
Act of 1934, as amended, the above-
named applicants were advised by letters
dated August 28, 1952, that their applica-

tions were mutually exclusive and that a hearing appeared necessary that Southern Broadcasting Co., Inc., was advised by a letter dated June 4, 1953, that certain questions were raised as a result of deficiencies of a financial and technical nature in its application, and that the question of whether its proposed antenna system and site would constitute a hazard to air navigation was unresolved; and that Southern Enterprises was advised by a letter dated June 4, 1953, that certain questions were raised as a result of deficiencies of a technical nature in its application, and that the question of whether its proposed antenna system and site would constitute a hazard to air navigation was unresolved; and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto, and the reply to the above letters filed by Southern Enterprises (no reply having been received from Southern Broadcasting Co., Inc.) the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory that Southern Broadcasting Co., Inc., is legally qualified to construct, own and operate a television broadcast station, and is technically qualified except as to the matters referred to in issues "2" "3" and "4" below and that Southern Enterprises is legally and financially qualified to construct, own and operate a television broadcast station, and is technically qualified except as to the matters referred to in issues "5" and "6" below.

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 9:00 a. m. on July 31, 1953, in Washington, D. C., upon the following issues:

1. To determine whether Southern Broadcasting Co., Inc., is financially qualified to construct, own and operate the proposed television broadcast station.

2. To determine whether the type of antenna proposed to be used by Southern Broadcasting Co., Inc., in its above-entitled application is suitable for use on Channel 32.

3. To determine whether the engineering data contained in the above-entitled application of Southern Broadcasting Co., Inc., is in accordance with the requirements of § 3.684 of the Commission's rules.

4. To determine what effect, if any, the installation and operation of the television antenna as proposed in the above-entitled application of Southern Broadcasting Co., Inc., would have on the operation of standard broadcast station WJXX; whether corrective measures for such effects are possible and feasible; and what proof should be submitted to show that such corrective measures have been taken after installation and operation of the said proposed antenna.

5. To determine the correct height of the antenna proposed to be used by Southern Enterprises in its above-entitled application.

6. To determine whether the installation and operation of the station pro-

posed by Southern Enterprises in its above-entitled application would constitute a hazard to air navigation.

7. To determine on a comparative basis which of the operations proposed in the above-entitled applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applications as to:

a. The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

b. The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

c. The programming service proposed in each of the above-entitled applications.

Released: July 3, 1953.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-6136; Filed, July 10, 1953;
8:51 a. m.]

[Docket Nos. 10577, 10578]

H. L. HUNT AND COASTAL BEND TELEVISION
Co.

ORDER DESIGNATING APPLICATIONS FOR CON-
SOLIDATED HEARING ON STATED ISSUES

In re applications of H. L. Hunt, Corpus Christi, Texas, Docket No. 10577, File No. BPCT-1032; Coastal Bend Television Company, Corpus Christi, Texas, Docket No. 10578, File No. BPCT-1066; for construction permits for new television stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 1st day of July 1953;

The Commission having under consideration the above-entitled applications, each requesting a construction permit for a new television broadcast station to operate on Channel 22 in Corpus Christi, Texas; and

It appearing, that the above-entitled applications are mutually exclusive in that operation by more than one applicant would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicants were advised by letters dated August 28, 1952, that their applications were mutually exclusive and that a hearing would be necessary that H. L. Hunt was advised by letters dated May 26, 1953, and June 24, 1953, that certain questions were raised as a result of deficiencies of a technical nature in his application, and that the question of whether his proposed antenna system and site would constitute a hazard to air navigation was unresolved; and that Coastal Bend Television Company was advised by letters dated May 26, 1953, and June 22, 1953, that certain questions

as to its financing, staffing and engineering proposals had been raised, and that the question of whether its proposed antenna system and site would constitute a hazard to air navigation was unresolved; and

It further appearing, that upon due consideration of the above-entitled applications, the amendments filed thereto, and the replies to the above letters, the Commission finds that under section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory and that each of the above-named applicants is legally, financially and technically qualified to construct, own and operate a television broadcast station;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled applications are designated for hearing in a consolidated proceeding to commence at 9:00 a. m. on July 31, 1953, in Washington, D. C., to determine on a comparative basis which of the operations proposed in the above-entitled applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applications as to:

1. The background and experience of each of the above-named applicants having a bearing on its ability to own and operate the proposed television station.

2. The proposals of each of the above-named applicants with respect to the management and operation of the proposed station.

3. The programming service proposed in each of the above-entitled applications.

Released: July 3, 1953.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-6137; Filed, July 10, 1953;
8:52 a. m.]

[Docket No. 10579]

ORANGE BELT TELECASTERS

ORDER DESIGNATING APPLICATION FOR
HEARING ON STATED ISSUES

In re application of Orange Belt Telecasters, San Bernardino, California, Docket No. 10579, File No. BPCT-1252; for a construction permit for a new television broadcast station.

At a session of the Federal Communications Commission held at its offices in Washington, D. C., on the 1st day of July 1953;

The Commission having under consideration the above-entitled application requesting a construction permit for a new television broadcast station to operate on Channel 30 in San Bernardino, California; and

It appearing, that pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-named applicant was advised by a letter dated February 25, 1953, that certain questions were raised as to its legal, technical and

financial qualifications to construct, own and operate a television broadcast station; and

It further appearing, that upon due consideration of the above-entitled application, the amendments filed thereto, and the reply to the above letter, the Commission is unable to conclude that the public interest would be served by a grant of the above-entitled application and accordingly finds that, as provided by section 309 (b) of the Communications Act of 1934, as amended, a hearing is mandatory, and that the above-named applicant is legally qualified to construct, own and operate a television broadcast station;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-entitled application is designated for hearing to commence at 9:00 a. m. on August 3, 1953, in Washington, D. C., upon the following issues:

1. To determine the technical, financial and other qualifications of the above-named applicant to construct, own and operate the proposed television broadcast station.

2. To determine whether construction and operation of the television station proposed in the above-entitled application would serve the public interest, convenience and necessity, with particular reference to the following:

a. The nature of equipment and facilities to be used in the proposed operation.

b. The staffing and management proposals of the above-named applicant, and whether such proposals would be conducive to a program service which would meet the needs of the communities and areas to be served by the proposed station.

3. To determine, in the light of the record made with respect to the above issues, whether the above-entitled application should be granted.

Released: July 6, 1953.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-6138; Filed, July 10, 1953;
8:52 a. m.]

[Docket No. 10580]

MIDWEST TELEVISION, INC.

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of Midwest Television, Inc., Champaign, Illinois; File No. BMPCT-1109, Docket No. 10580; for modification of construction permit for television station.

1. The Commission has before it for consideration (a) a protest filed on June 18, 1953, pursuant to section 309 (c) of the Communications Act of 1934, as amended, by Prairie Television Company, permittee of television station WTVP Channel 17, Decatur, Illinois, directed against the Commission's action of May 19, 1953, granting without a

hearing the above-entitled application; and (b) an "Opposition and Answer To 309 (c) Protest" filed on June 29, 1953, by Midwest Television, Inc. Set forth below as "Appendix A" is a copy of section 309 (c) of the Communications Act.

2. On February 25, 1953, the Commission granted the above-entitled applicant a permit to construct a new television broadcast station at Champaign, Illinois on Channel 3, at a transmitter location approximately ten miles west of Champaign with 20 dbk (100 kw) effective radiated power (visual) and with antenna height 810 feet above average terrain. On May 5, 1953, the permittee filed the above-entitled application requesting authority to change transmitter site and increase antenna height. This application was granted on May 19, 1953, and the applicant's construction permit was modified to specify a transmitter site "near White Heath, Sangamon Township" and to increase antenna height above average terrain to 1000 feet. In the "Engineering Proposal" accompanying the above-entitled application, it is stated, in part, as follows: "A mapping of the coverage, Grade A and Grade B contours, is shown on Figure 5. The Grade A contour (2512 uv/m or 68 db above 1 uv/m) includes in addition to Champaign and Urbana, the cities of Decatur and Clinton, all of Champaign, Pratt and DeWitt counties, and large portions of contiguous counties."

3. In support of its protest, the protestant alleges, in general, that its station is almost completely constructed at a cost of approximately \$400,000 and that its on-the-air target date is July 15, 1953; that it is a party in interest within the meaning of section 309 (c) of the Communications Act; that when the above applicant filed its application for a new station on June 30, 1952, it specified a site 2.4 miles from the Champaign business center; that the application which was granted on February 25, 1953, had been amended to specify a site nearer to Decatur; that the modification of permit protested herein provided for "a transmitter location still farther away from Champaign-Urbana and much nearer Decatur, in fact, approximately 14 miles southwest of Champaign, and approximately 28 miles northeast of Decatur" that Decatur has no VHF channels and two UHF, one of which has been granted to protestant; that the protested modification of permit "purports to provide a 'principal city' grade of service (74 dbu) to the entire city of Decatur, a Grade A service to all of the Decatur metropolitan area, and a Grade B service to all of the remaining area" within protestant's Grade A and Grade B contours; that it has suffered and will suffer economic and irreparable injury from the grant protested herein; that after it received its permit, protestant negotiated and signed an affiliation agreement with the CBS Television Network; that the Network ordered facilities from the American Telephone and Telegraph Company to bring network programs "live" to Decatur; that after the grant of a permit to the above-entitled applicant for Channel 3 at Champaign,

the permittee and the Network entered into a "must buy" affiliation agreement; that the Network orally advised protestant to seek affiliation with some other network and by letter indicated its intention to cancel protestant's affiliation; that the Network cancelled its AT&T order for live program facilities for Decatur and ordered such facilities for the above-entitled applicant; that "confirmed orders" for sponsored network programs to be broadcast by protestant have been cancelled; that protestant has experienced comparable refusal of other networks to provide it with programs in view of the proposal of the applicant herein to blanket Decatur with a "principal city" grade signal; and that if the grant protested herein is permitted to stand, it will have injurious effects in the following manner:

a. WTVP, Decatur area population will be discouraged from purchasing UHF receivers and from converting presently installed VHF receivers for UHF signal reception.

b. Advertisers will not buy WTVP air time because of the lessened number of UHF receivers in the area.

c. WTVP may fail financially, because of lack of revenues and have to cease operation, with the result that the Decatur community will not have:

1. A local outlet for self-expression.

2. An outlet for local advertisers with a receiving area tailored to fit their Decatur advertising needs.

4. Protestant further alleges, in general, that the protested grant herein defeats the purposes of the television channel allocation plan as established in the Commission's Sixth Report and Order that the removal of applicant's transmitter site to a site geographically located so that it will provide "principal city" signal strength over the entire city of Decatur, 42 miles distant, "negates the very foundation principles and purposes of the allocation plan of assignment of channels on a city basis"; that applicant's publicity items appearing in its stockholder-owned two newspapers in Decatur emphasize its real objective to embrace Decatur as the "principal city" to be served; that the above applicant is owned by parties financially interested in newspapers, radio stations and television operations in Illinois; that 20 percent of applicant's stock is owned by interests which own and operate the only morning, evening and Sunday newspapers published in Decatur; that these same interests also own and operate Decatur's only full-time radio station, WSOY and WSOY-FM, that 20 percent of applicant's stock is owned by interests who own all the stock of the Champaign News-Gazette, which, in turn, is the licensee of the only full-time AM radio station in Champaign; that the ownership of applicant "considered in combination with all of its several newspaper and radio interests, raises a serious question of practices resulting in a tendency to monopolize the media of mass communication" to the detriment and injury of applicant and to the public; that protestant did not and is not now protesting the original grant to applicant authorizing the

construction of a "Champaign-Urbana" television station; and that by vacating and setting aside the protested grant herein would not deprive applicant of its right to build a television station at the site specified in its original construction permit. Finally, protestant requests that the above-entitled application be designated for hearing on the issues specified in the protest.

5. In its opposition, the applicant alleges, in general, that protestant is not a party in interest; that the allegations of economic injury stem from the original grant of February 25, 1953, and not from the modification granted on May 19, 1953; that protestant's failure to protest the original grant is a fatal error which cannot be corrected by alleging that economic injury will result from the modification of grant; that the protest is defective in that it raises no question of law in the issues set forth therein; that the grant of the protest would do violence to one of the most basic and fundamental concepts of public interest, namely, that optimum use of broadcast facilities should be made; that the fundamental concept upon which the protest is based, namely, the elimination or diminution of competition, is contrary to law; that the transmitter site specified in the protested grant had been the location most desired by the applicant but that "due to an adjacent-channel problem with an applicant for Channel 2 in Springfield, Illinois, this site could not be specified until the latter application was amended to specify another transmitter location" that insofar as Decatur is concerned, applicant's operation at its protested transmitter site "will extend its Grade A contour by only approximately three miles beyond the location where that contour would be under the operation proposed in the application as granted on February 25, 1953" that the 74 dbu contour will be extended approximately three miles; and that the Grade B contour will be extended about 3½ miles. Finally, it is urged that the protest be dismissed.

6. Protestant has alleged that it is a permittee of a television station in Decatur, Illinois, a community which, as a result of the action being protested, may be expected for the first time to receive a "principal city" signal (74 dbu) from the station proposed by the above-entitled applicant, a permittee of a television station on a channel assigned to Champaign-Urbana, 42 miles from Decatur; that the applicant will be in economic competition with protestant; and that, as specified in the protest, economic injury has resulted and will result from the grant complained of. The protest leaves much to be desired in making clear how much of the alleged economic injury has resulted and will result from the original grant and how much is attributable to the modification of construction permit which is being protested. The significance of a clear showing of causal relationship between the action being protested and the al-

leged economic injury cannot be minimized in this or any similar case since it is a jurisdictional factor which determines whether the protestant has shown standing as a party in interest to protest. However, despite the lack of clarity with which the allegations of economic injury are phrased, we are of the view, upon careful study of the pleading before us, that there exists among said allegations sufficient facts to indicate a reasonable possibility of economic injury, resulting from the grant of the above-entitled application for modification, to warrant the finding which we here make that protestant is a party in interest within the meaning of section 309 (c) of the Communications Act of 1934, as amended. *Sanders v. Federal Communications Commission*, 309 U. S. 470; *In re Applications of Versluis Radio and Television, Inc.* (FCC 53-314) *In re Application of Salinas Broadcasting Corporation et al.* (FCC 53-397), *In re Application of Eugene Television, Inc.* (FCC 53-786) Cf. *Mansfield Journal Co. v. Federal Communications Commission*, 173 F. 2d 646.

7. The Commission further finds that the protestant has specified with particularity the facts, matters and things relied upon as required by the provisions of section 309 (c) to warrant the designation of the above-entitled application for hearing on the issues specified in the protest. However, as we indicated in the case of *Eugene Television, Inc.*, supra, in making this finding, we do not determine or imply that any or all of these issues, even if the facts with respect thereto are as alleged by protestant, are such that they could result in a determination that the grant to the applicant herein was improper, contrary to the public interest or should be set aside. Accordingly, said issues are not being adopted by the Commission and the burden of proof thereon both in proving the facts alleged and in demonstrating their materiality and relevancy will be on the protestant.

8. In view of the foregoing: *It is ordered*, That, effective immediately, the effective date of the grant of the above-entitled application for modification of construction permit is postponed pending a final determination by the Commission with respect to the protest herein of *Prairie Television Company* and that, pursuant to section 309 (c) of the Communications Act of 1934, as amended, the above-entitled application for modification of construction permit is designated for hearing at the offices of the Commission in Washington, D. C., on the following issues:

(a) To determine whether the granting of the application of *Midwest Television, Inc.*, is consistent with the provisions of the Commission's Sixth Report and Order and with the Commission's rules governing the television broadcast service.

(b) To determine whether the affiliation of *Midwest Television, Inc.*, with *CBS Television*, in the light of the cir-

cumstances, will deprive persons in the Decatur area of *CBS* and certain other network programs, contrary to the public interest and to the detriment of UHF television in Decatur, Illinois.

(c) To determine whether the effect of the actions of *Midwest Television, Inc.* have resulted and will continue to result in a tendency to monopolize the media of mass communication to the detriment of the protestant's interests and the interests of the public.

(d) To determine in the light of the evidence adduced on the foregoing issues whether the public interest, convenience and necessity require that the grant of the subject application be vacated.

The burden of proof as to each of the above issues shall be on the protestant.

9. *It is further ordered*, That the protestant and the Chief of the Broadcast Bureau are hereby made parties to the proceeding herein and that:

(a) The hearing on the above issues commence at 9:00 a. m. on July 20, 1953, before an Examiner to be specified by the Commission; and

(b) The parties to the proceeding herein shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions; and

(c) The appearances by the parties intending to participate in the above hearings shall be filed not later than July 13, 1953.

Adopted: July 1, 1953.

Released: July 3, 1953.

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] T. J. SLOWIE,
Secretary.

APPENDIX A

SEC. 303 (c). When any instrument of authorization is granted by the Commission without a hearing as provided in subsection (a) hereof, such grant shall remain subject to protest as hereinafter provided for a period of thirty days. During such thirty-day period any party in interest may file a protest under oath directed to such grant and request a hearing on said application so granted. Any protest so filed shall contain such allegations of fact as will show the protestant to be a party in interest and shall specify with particularity the facts, matters and things relied upon, but shall not include issues or allegations phrased generally. The Commission shall, within fifteen days from the date of the filing of such protest, enter findings as to whether such protest meets the foregoing requirements and if it so finds the application involved shall be set for hearing upon the issues set forth in said protest, together with such further specific issues, if any, as may be prescribed by the Commission. In any hearing subsequently held upon such application all issues specified by the Commission shall be tried in the same manner provided in subsection (b)

¹Disseminating opinion of Commissioner Bartley filed as part of original document.

hereof, but with respect to all issues set forth in the protest and not specifically adopted by the Commission, both the burden of proceeding with the introduction of evidence and the burden of proof shall be upon the protestant. The hearing and determination of cases arising under this subsection shall be expedited by the Commission and pending hearing and decision the effective date of the Commission's action to which protest is made shall be postponed to the effective date of the Commission's decision after hearing, unless the authorization involved is necessary to the maintenance or conduct of an existing service, in which event the Commission shall authorize the applicant to utilize the facilities or authorization in question pending the Commission's decision after hearing.

[F. R. Doc. 53-6139; Filed, July 10, 1953; 8:52 a. m.]

[Mexican Change List No. 160]

MEXICAN BROADCAST STATIONS

LIST OF CHANGES, PROPOSED CHANGES AND CORRECTIONS IN ASSIGNMENTS

JUNE 15, 1953.

Notification under the provisions of part III, section 2 of the North American Regional Broadcasting Agreement.

List of changes, proposed changes, and corrections in assignments of Mexican Broadcast Stations modifying the appendix containing assignments of Mexican Broadcast Stations (Mimeograph 47214-6) attached to the recommendations of the North American Regional Broadcasting Agreement Engineering Meeting, January 30, 1941.

MEXICO

Call letters	Location	Power kw	Schedule	Class	Probable date to commence operation
XEST	Saltillo, Coahuila (delete assignment)-----	760 kilocycles 5	D	III-B	June 15, 1953
XECK	Pozos Rica, Veracruz (delete assignment)-----	1240 kilocycles 0.25	U	IV	Do.
XEHD	Ciudad Miguel, Aleman, Tamaulipas (increase in daytime power from 0.25 kw.	1450 kilocycles 2-D/0.15	N U	IV	Sept. 15, 1953
XERH	Mexico, D. F. (increase in power from 0.5N/5D)---	1600 kilocycles 50	DA-N U	II	Do.

[SEAL]

FEDERAL COMMUNICATIONS COMMISSION,
T. J. SLOWIE,
Secretary.

[F. R. Doc. 53-6140; Filed, July 10, 1953; 8:52 a. m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 812-839]

PORTSMOUTH STEEL CORP.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION OF PURCHASE OF SECURITIES FROM AFFILIATES

JULY 7, 1953.

NOTICE is hereby given that Portsmouth Steel Corporation, ("Portsmouth"), an exempt investment company with offices in Cleveland, Ohio, has filed an application pursuant to section 17 (a) of the act with respect to the purchase of securities from its affiliate, the Alleghany Corporation ("Alleghany") which owns 17.1 percent of Portsmouth's outstanding common stock. Portsmouth has been exempted, by order of this Commission dated January 26, 1953 (Investment Company Act Release No. 1836) from various provisions of the act, but certain of its transactions with affiliates are subject to the requirements of sections 17 (a) and (b) thereof.

Portsmouth proposes to purchase from Alleghany all of its holdings of the common stock of Cleveland Cliffs Iron Company ("Cleveland Cliffs") consisting of 85,004 shares, for a total consideration of \$1,508,821, or \$17.75 per share. Portsmouth presently owns 235,714 shares of the common stock of Cleveland Cliffs, representing 10.4 percent of such stock outstanding, and upon the proposed acquisition its holdings will represent 14.15 percent of such stock

outstanding. No commissions or other fees are to be paid in connection with the proposed transaction.

The application states that the Cleveland Cliffs' common stock is traded on the Midwest Stock Exchange and on the over-the-counter market, and the closing market price for such stock on such exchange was \$18.375 on June 19, 1953, the date of the agreement between Portsmouth and Alleghany for the purchase and sale of such stock. During the past five years the market price of said stock has ranged from a low of \$10.25 to a high of \$28.125 per share. The application further states that the average cost of said shares to Alleghany was \$17.47 per share.

Cleveland Cliffs is stated to be principally an iron ore company although it has extensive investment interests in several major steel companies. Portsmouth also owns 24.4 percent of the outstanding common stock of Detroit Steel Corporation, a steel company, and 2,500 shares of the preferred stock of Steep Rock Iron Mines, Ltd., an iron ore company. The proposed acquisition is stated to be in conformance with Portsmouth's announced intention of "maintaining constant and close contact with the iron ore and steel industries in which its major interests are concentrated" and to "employ the assets of Portsmouth at the earliest practicable date in a manner calculated to reenter the steel or some other related or unrelated business" and thus cease to be an investment company.

Notice is further given that any interested person may, not later than July 21, 1953, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, 425 Second Street NW., Washington 25, D. C. At any time after said date the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL]

ORVAL L. DUBOIS,
Secretary.

[F. R. Doc. 53-6116; Filed, July 10, 1953; 8:46 a. m.]

TENNESSEE VALLEY AUTHORITY

WHEELER MIGRATORY WATERFOWL REFUGE, ALABAMA

LAND PROPOSED FOR EXCLUSION; AGREEMENT BETWEEN TENNESSEE VALLEY AUTHORITY AND FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR

This agreement, made and entered into as of the 16th day of June 1953, by and between the Tennessee Valley Authority (hereinafter called "TVA"), and the United States Department of the Interior, Fish and Wildlife Service (hereinafter called "Department"),

Witnesseth:

Whereas, the Department and TVA have cooperated in the administration of the Wheeler Migratory Waterfowl Refuge, which was established by Executive Order No. 7926 issued July 7, 1938; and

Whereas, officials of the City of Decatur, Alabama, have requested that certain lands on the outskirts of Decatur which are in the custody of TVA and which are located within the boundaries of the Refuge be made available in order that such lands may be used in connection with planned industrial expansion; and

Whereas, the State of Alabama, acting by and through its Highway Department, has requested that TVA make available certain other lands in the custody of TVA located within the boundaries of the Refuge in order that U. S. Highway No. 31 may be widened and improved; and

Whereas, the granting of the foregoing requests will necessitate the exclusion from the Refuge of the four parcels of land described in Exhibit A to this agreement; and

Whereas, the Department and TVA have determined that the exclusion of said land from the Refuge for the purposes aforesaid will be in the public interest and will not be inconsistent with the purposes of the Tennessee Valley Authority Act of 1933, as amended (16

U. S. C. 831, 831a, et seq.) and the Migratory Bird Conservation Act (16 U. S. C. 715a, et seq.) and

Whereas, the President of the United States by Executive Order No. 9790, issued October 14, 1946, has authorized the Department and TVA to execute lands from the Refuge by entering into formal agreements designating the particular areas to be excluded and by publishing such agreements in the FEDERAL REGISTER without further action by the President;

Now, therefore, in consideration of the foregoing and of the mutual covenants hereinafter stated, the parties hereto agree as follows:

1. There are hereby eliminated and excluded from the Wheeler Migratory Waterfowl Refuge those four parcels of land, situated in Morgan County, Alabama, which are described and designated as "Parcel No. 1" "Parcel No. 2" "Parcel No. 3" and "Parcel No. 4" respectively, in the schedule set forth below and hereby made a part of this agreement as Exhibit A. The Department hereby releases all rights to the use of said lands and full jurisdiction thereof shall and does hereby revert to TVA for the purposes of the Tennessee Valley Authority Act of 1933, as amended.

2. The parties certify that the elimination and exclusion from the Refuge of the lands described in Exhibit A hereto is in the public interest and is not inconsistent with the Tennessee Valley Authority Act of 1933, as amended, and the Migratory Bird Conservation Act.

3. Any and all valid rights outstanding in third parties under existing licenses or permits, if any, which have been issued heretofore by the Department or its Fish and Wildlife Service which affect lands described in Exhibit A hereto are hereby continued in force and full administration of any such licenses or permits is hereby transferred to TVA.

4. This agreement, following formal execution by the parties, shall be published in the FEDERAL REGISTER in accordance with Executive Order No. 9790 issued October 14, 1946.

In witness whereof, the parties have caused this agreement to be executed by their duly authorized representatives as of the day and year first above written.

TENNESSEE VALLEY AUTHORITY,
[SEAL] By JOHN OLIVER,
General Manager.

UNITED STATES DEPARTMENT
OF THE INTERIOR,
FISH AND WILDLIFE SERVICE,
[SEAL] By ORME LEWIS,
Assistant Secretary of the Interior.

Attest:

LEONA L. MALKEMUS,
Assistant Secretary.

EXHIBIT A—LAND PROPOSED FOR EXCLUSION
FROM WHEELER MIGRATORY WATERFOWL
REFUGE

PARCEL NO. 1 (INCLUDING ADJACENT WATER
AREA TO THE CENTER LINE OF THE CHANNEL
OF THE TENNESSEE RIVER)

A tract of land lying in Morgan County,
State of Alabama, in the W $\frac{1}{2}$ of sec. 22 and
the NW $\frac{1}{4}$ of sec. 27, T. 5 S., R. 4 W., on the

left bank of the Tennessee River, approximately 2 miles southeast of Keller Memorial Bridge across the Tennessee River at Decatur, and more particularly described as follows:

Beginning at US-TVA Monument 68 (Coordinates: N. 1,671,716; E. 666, 666) in the line between sections 21 and 22, T. 5 S., R. 4 W.

From the initial point by bearings and distances,

Northerly with line between sections 21 and 22, approximately 1,120 feet to a point on the south bank of the Tennessee River,

Northerly with prolongation of said section line, approximately 960 feet to a point in the line between Morgan and Limestone Counties and the center line of the channel of the Tennessee River,

Southeasterly, with said county line and upstream with the center line of the channel, approximately 2,980 feet to a point,

Leaving the river,

S. 0° 45' W., approximately 3120 feet, crossing the line between sections 22 and 27 at approximately 2,460 feet, to a point from which US-TVA Monument 63 (Coordinates: N. 1,669,022; E. 668,636) bears N. 89° 45' W., 400 feet distant,

N. 89° 45' W., 400 feet to US-TVA Monument 63,

N. 89° 45' W., 1337 feet to US-TVA Monument 62,

N. 0° 40' E., 661 feet to US-TVA Monument 61 in the line between sections 22 and 27,

N. 0° 45' E., 660 feet to US-TVA Monument 60,

N. 88° 45' W., 668 feet to US-TVA Monument 59 in the line between sections 21 and 22,

Northerly with line between sections 21 and 22, 1329 feet to the point of beginning.

Parcel No. 1 as described above contains 198 acres, more or less, approximately 66 acres of which are located above and approximately 132 acres below the 556-foot MSL contour elevation of Wheeler Lake.

PARCEL NO. 2

A strip of land lying in Morgan County, State of Alabama, in the SE $\frac{1}{4}$ SE $\frac{1}{4}$ sec. 17 and the NE $\frac{1}{4}$ NE $\frac{1}{4}$ sec. 20, T. 6 S., R. 4 W., east of and adjacent to the present east right of way line of U. S. Highway No. 31, and more particularly described as follows:

Beginning at US-TVA Monument No. 141 in the east right of way line of U. S. Highway No. 31; thence with the United States of America's boundary line N. 86° 30' E., 71.03 feet to a point; thence, leaving the United States of America's line, S. 13° 16' E. 535 feet, passing the line between secs. 17 and 20 at 355 feet, to the P. C. of a curve to the right having a radius of 2,997.47 feet; thence with the curve in a southerly direction 480.72 feet to a point in the boundary of the land of the United States of America; thence with the United States of America's line S. 86° 30' W., 53.5 feet to US-TVA Monument No. 139 in the east right of way line of U. S. Highway No. 31 at a point on a curve having a radius of 1,950.03 feet; thence northerly with the east right of way line of U. S. Highway No. 31 and the said curve to the left 243.5 feet to the P. T. of the curve; thence N. 12° 03' W., 519.5 feet, passing US-TVA Monument No. 140 at 363 feet, to the point of beginning, and containing 1.5 acres, more or less.

PARCEL NO. 3

A strip of land lying in Morgan County, State of Alabama, in the SW $\frac{1}{4}$ SE $\frac{1}{4}$ sec. 8, T. 6 S., R. 4 W., east of and adjacent to the present east right of way line of U. S. Highway No. 31, and more particularly described as follows:

Beginning at US-TVA Monument No. 59 in the east right of way line of U. S. Highway No. 31 and in the line between secs. 8 and 17; thence with said right of way line N. 21° 07'

W., 421.3 feet to the P. C. of a curve to the right having a radius of 1635.03 feet; thence northerly with the curve to the right 200 feet to US-TVA Monument No. 56; thence with the United States of America's boundary line S. 86° 30' E., 72.2 feet to a point on a curve having a radius of 1629.03 feet; thence in a southerly direction with the said curve to the left, leaving the United States of America's boundary line, 179.8 feet to the P. T. of the curve; thence S. 21° 07' E., 593.4 feet to a point in the line between secs. 8 and 17; thence with the line between secs. 8 and 17 S. 89° 39' W., 73.3 feet to the point of beginning, and containing 1.1 acres, more or less.

PARCEL NO. 4

A strip of land lying in Morgan County, State of Alabama, in the NW $\frac{1}{4}$ SE $\frac{1}{4}$ sec. 8, T. 6 S., R. 4 W., east of and adjacent to the present east right of way line of U. S. Highway No. 31, and more particularly described as follows:

Beginning at US-TVA Monument No. 53 in the east right of way line of U. S. Highway No. 31; thence with said right of way line N. 3° 05' W., 1,318 feet to US-TVA Monument No. 52; thence with the United States of America's boundary line N. 89° 55' E., 70 feet to a point; thence, leaving the United States of America's line, S. 3° 05' E., 1,318 feet to a point in the United States of America's boundary line; thence with said line S. 83° 55' W., 70 feet to the point of beginning, and containing 2.1 acres, more or less.

NOTE: The positions of corners and directions of lines are referred to the Alabama (West) State Coordinate System. The contour elevation is based on Mean Sea Level Datum as established by the U. S. Coast and Geodetic Survey's Southeastern Supplementary Adjustment of 1936. The boundary markers designated "US-TVA Monument" are concrete monuments capped by bronze tablets imprinted with the given numbers and "T. 5 S., R. 4 W."

[F. R. Doc. 53-6145; Filed, July 10, 1953; 8:53 a. m.]

FEDERAL POWER COMMISSION

[Docket Nos. G-2061, G-2123, G-2136,
G-2153, G-2161]

UNITED FUEL GAS CO. ET AL.

NOTICE OF FINDINGS AND ORDERS

JULY 7, 1953.

In the matters of United Fuel Gas Company, Docket No. G-2061, Iroquois Gas Corporation, Docket No. G-2123; Pennsylvania Gas Company, Docket No. G-2136; United Gas Pipe Line Company, Docket No. G-2158; Cities Service Gas Company, Docket No. G-2161.

Notice is hereby given that on July 6, 1953, the Federal Power Commission issued its findings and orders adopted July 2, 1953, issuing certificates of public convenience and necessity in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-6112; Filed, July 10, 1953; 8:45 a. m.]

[Docket No. G-2120]

COLORADO INTERSTATE GAS CO.

NOTICE OF FINDINGS AND ORDER

JULY 7, 1953.

Notice is hereby given that on July 3, 1953, the Federal Power Commission is-

sued its findings and order adopted July 2, 1953, issuing certificate of public convenience and necessity in the above-entitled matter.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-6113; Filed, July 10, 1953;
8:45 a. m.]

[Docket Nos. ID-980, ID-1175, ID-1200]

ERIC C. SUMMERS ET AL.

NOTICE OF ORDERS AUTHORIZING APPLICANTS
TO HOLD CERTAIN POSITIONS

JULY 7, 1953.

In the matters of Eric C. Summers, Docket No. ID-980; Don B. Potter, Docket No. ID-1175; Samuel M. Hamill, Jr., Docket No. ID-1200.

Notice is hereby given that on July 6, 1953, the Federal Power Commission issued its orders adopted July 2, 1953, authorizing applicants to hold certain positions pursuant to section 305 (b) of the Federal Power Act in the above-entitled matters.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-6114; Filed, July 10, 1953;
8:45 a. m.]

[Docket Nos. IT-5971, IT-6056, E-6337,
E-6340, E-6370]

DEPARTMENT OF THE INTERIOR, SOUTH-
WESTERN POWER ADMINISTRATION

NOTICE OF ORDER EXTENDING PERIOD OF CON-
FIRMATION AND APPROVAL OF RATE SCHED-
ULES

JULY 7, 1953.

Notice is hereby given that on July 6, 1953, the Federal Power Commission issued its order adopted July 2, 1953, in the above-entitled matter, extending to December 31, 1953, the period of confirmation and approval of rate schedules.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53-6115; Filed, July 10, 1953;
8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28243]

FERTILIZER COMPOUNDS FROM TULSA,
OKLA., TO FLORIDA

APPLICATION FOR RELIEF

JULY 7, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Fertilizer compounds, carloads.

From: Tulsa, Okla.

To: Jacksonville, South Jacksonville, and Tampa, Fla.

Grounds for relief: Competition with rail carriers, circuitous routes, market competition.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, I. C. C. No. 3746, supp. 121.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-6093; Filed, July 9, 1953;
8:48 a. m.]

[4th Sec. Application 28247]

MOTOR-RAIL-MOTOR RATES BETWEEN CHI-
CAGO, ILL., AND COUNCIL BLUFFS, IOWA

APPLICATION FOR RELIEF

JULY 8, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by: Middlewest Motor Freight Bureau, Agent, for the Chicago Great Western Railway Company and On-Time Transfer Company and other carriers participating in the traffic.

Commodities involved: Loaded or empty highway trailers on flat cars.

Between: Chicago, Ill., and Council Bluffs, Iowa.

Grounds for relief: Competition with motor carriers.

Schedules filed containing proposed rates: Middlewest Motor Freight Bureau, Agent, tariff MF-I. C. C. No. 223, supp. 5.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD,
Acting Secretary.

[F. R. Doc. 53-6124; Filed, July 10, 1953;
8:48 a. m.]